

ANALYSIS OF HONOUR KILLING AND KHAP PANCHAYAT IN INDIA (SHAKTI VAHINI VS. UNION OF INDIA, 2018)

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Abstract

A cherished asset of every human being is Honour. No one is given the free pass to end a valuable human life in the name of culture or tradition. It cannot be lost for either the communal or private interests. Killing someone is always wrong, criminal, and a serious violation of human rights. To take someone's life without cause or justification is wrong. Also, it is illegal and against the constitution. Every citizen is entitled to life and dignity under the constitution. Honour is sustained in life. The Indian Constitution guarantees this right as a fundamental one. Every person has the right to protection from any threat to their life. Everyone has the freedom of choice. This promise also includes the right to an opinion. So, the right to marry and the freedom to select one's spouse both fall under the umbrella of the right to life. The right to live in dignity in society cannot be violated by societal or cultural influences. Yet, it is illegal to kill someone for the sake of family Honour, and the law has mechanisms to deal with these inappropriate behaviors. Killing someone is equivalent to murder and will never compensate or restore the alleged lost Honour. In the current study, an effort is made to analyze the idea of Honour and Honour Killing in India within the fundamental legal framework. To explore judicial interpretation of the law, some seminal Supreme Court decisions are also explored. Honour Killing is essentially a family member killing another family member. It is the dishonest behavior of the family members that prioritize the purity of their clan over the lives of an individual. It is done to remove the disgrace and dishonor that a family member has brought on. Any family member who tries to fall in love with someone who doesn't fit their social level is killed by a member of the family.

INTRODUCTION

Public laws cover the area of criminal laws, which are the cornerstone of the criminal justice system. The criminal law forbids behavior that causes or threatens public interest because the general public is impacted by criminal acts and because the government has a responsibility to provide security and safety to its citizens. Because it is directly related to social well-being, societal and cultural values inherently influence and shape criminal justice. People around the world have come a long way to get to where they are now, from the wandering jungle man to the tech-savvy individual.

The changes in India were severe and abrupt, but thanks to the winds of social change, the

law and the people have successfully adapted one another by meeting one another's requirements. From a traditional society to a modern one, numerous cultural setbacks have resurrected and shaped the law. For example, society has accepted live-in relationships as an alternative to marriage. Not everyone, though, is susceptible to this new stage of cultural tolerance; as a result, cultural crimes like honor killings result from such weakened standards. New generations bring about new behaviors, after which new words join the group of offences, disputes, and discussions. Love Jihad is a relatively recent concept that has joined the Honour crime and is currently the topic of much discussion. The primary goal of the current examination is to examine two dimensions: first,

to define what an "Honour Killing" actually is and the factors that contribute to it occurring; second, to examine the various laws that currently prohibit "Honour Killings," to determine whether they are adequate or whether new legislation is necessary to address them; and third, to examine the Supreme Court of India's rulings.

I believe that the words "Hamare Ghar Ki Izzat" adequately convey the fundamental reason for this horrible act of Honor Killing. Family members of a man or woman will frequently have them put to death if they were wed against their will, had a relationship before getting hitched, wed within the same gotra, or wed outside of their caste. The loss of one's virginity prior to marriage is another factor that may contribute to Honour Killings. The mindset of parents who are reluctant to accept that their children can marry in line with their own choices, whether those choices are inside or outside of their caste or religion, is the root cause of this awful crime. There are times when it is not just about caste or religion; in certain cases, a family would murder people just because they do not want to be connected to love marriages. When their daughters marry in accordance with their own preferences, their so-called "izzat" reduces. They put their daughter on the receiving end of their izzat. Some folks are so unbelievably hypocritical that they take joy in abusing their partners while drinking alcohol. In India, there are certain families who require their daughters to stay at home and only study, leaving only to attend to school. Once they have finished their education, they are expected to marry someone the family has picked for them. They don't give their daughter's preferences any weight or seek their advice on their marriage. Where girls are advised to do everything after marriage, where having male acquaintances is viewed as a sin. It's similar to how the only ticket to their independence is marriage.¹⁴³⁴

WHAT IS HONOUR KILLING?

Honour Killing, often known as killing for Honour, is a terrible crime. Girls and women are frequently scrutinized in patriarchal settings because they are viewed as inferior to men. According to popular belief, a woman's "sexual purity" and virginity are preserved by her husband, father, and siblings. Honor Killing victims are typically accused of engaging in "sexually immoral" behavior by tarnishing their family name.¹⁴³⁵ Also, it has been noted that underreporting of such crimes is common.

ORIGIN/COMPOSITION OF KHAP PANCHAYAT

A Khap is a neighborhood group that acts as a clan or a group of connected clans. They are especially common among the Jat population of Western Uttar Pradesh and Haryana in northern India. While historically, other communities have also used the word. A meeting of Khap elders is known as a Khap Panchayat, and a Sarv Khap is made up of several Khap Panchayats, such as Ror Khap and Dahiya Khap. The affairs of the Khap it represents take precedence over affiliation with the officially elected governing body. It has nothing to do with the locally elected administrations known as Panchayats. A Khap Panchayat can have a significant social impact on the community it serves while not having formal government recognition or authority. Today's Khap panchayats have evolved into quasi-judicial organizations that administer heavy punishments based on antiquated rules and customs. They are a union of a small number of villages, mostly in northern India, although they also exist in other regions of the country in a similar way. They self-identify as panchayats and claim the authority to impose punishment on anyone who violates their rules and rituals. An unofficial trial known as a "kangaroo court" is one that is conducted unfairly, biasedly, or hurriedly and frequently leads in a severe penalty that is appropriate to the nature of the offence that is allegedly committed. An attack on a woman's life can

¹⁴³⁴ <https://timesofindia.indiatimes.com/readersblog/legal-awareness/honour-killing-in-india-33953/>

¹⁴³⁵ <https://www.dictionary.com/browse/honor-killing>

start with just the notion that she has acted in a way that "dishonors" her family. In a patriarchal society, men serve as their protectors while women are associated with the Honour of the family. With the help of the local populace, these self-declared legislators and quasi-judicial organizations grant themselves a great deal of power, enabling them to enact laws and punish anyone for any reason.

"Khap Panchayats" are regarded as kangaroo courts in Indian society because they are frequently held by a group or community to give the appearance of a trial when, in reality, the punishment has already been decided. This results in a punishment that is extremely cruel and harsh and has a negative impact on the lives of the victims as well as the society.

HONOUR KILLING AS A GLOBAL PHENOMENON

- Pakistan has the highest number of honor killings, according to Amnesty International. "An Honor Killing is carried out because the Honor of men in the family is regarded to have been wounded," said I.A. Rehman, the secretary-general of HCRP. "This is primarily a result of women's poor social position."¹⁴³⁶
- In Turkey, a young woman got her throat cut in the middle of the town square after hearing a love song dedicated to her on the radio. One Honour Killing is reportedly committed every week in Istanbul alone, where over 1000 individuals have died.
- According to Syrian Criminal Code Article 548, "a man should benefit from a reduced sentence which should not be less than two years in prison if he finds his wife or sister engaging in adultery or illegitimate sexual acts with another and if he murders or injures one or both of them."
- In Morocco, a husband who kills or injures his wife is excused from punishment under Article 418 of the Criminal Code due to "extenuating circumstances," which refers to an act of misbehavior, particularly sexual

misconduct. Records show that 200 women die as a result of this every year.

JUDICIAL INTERPRETATION

With widespread outrage over the public stabbing of a Dalit man in an intercultural marriage on May 4, the subject of "Honor Killings" has resurfaced in India's mainstream public discourse. According to the Union Minister of State for Home Affairs, between 2017 and 2019, there were 145 Honour Killings reported in India. However, in November 2019, Evidence, an NGO that works to protect the human rights of Dalits and Tribal people in the state of Tamil Nadu, reported that there had been 195 documented cases of honor killings in Tamil Nadu alone over the previous five years, indicating the significant number of unreported cases.¹⁴³⁷

Honour Killings still happen often, but there is no national statute that handles them directly. The Law Commission of India proposed a law in 2012 to address the problem of Honour Killings, but it was never taken up. The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honor and Tradition Bill of 2019 is the only explicit law that handles honor killings in the country. The law says: couples' freedoms are at risk, as well as other forms of harassment, and declares that Honour Killings are illegal and subject to the death penalty or life in prison.

The Indian Penal Code, 1860 ("IPC") contains general punitive provisions that apply to crimes involving Honour because there is currently no national legislation that addresses Honour Killings specifically. Sections 107-11 (aiding murder), 120A and 120B (criminal conspiracy), 299-304 (murder and culpable homicide), and Sections 307-308 are among these laws (attempt to murder and culpable homicide). In situations of honor killings, in addition to the IPC, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which deals with atrocities committed against Dalits and

¹⁴³⁶ <https://blog.finology.in/Legal-news/honour-killing-in-india>

¹⁴³⁷ <https://ohrh.law.ox.ac.uk/addressing-honour-killings-in-india-the-need-for-new-legislation>

tribals, may also apply. Supreme Court upheld the petitioner's freedom to marry someone of her own free will in *Lata Singh v. State of Uttar Pradesh* in 2006 and denounced "Honour Killings" as brutal murderous acts committed by people with feudal mentalities. In *Shakti Vahini v. Union of India*, the Supreme Court reaffirmed in 2018 that two adults who agree to get married do not need the approval of their family or society. The Court further ruled that local caste groups known as Khap Panchayats (local caste councils) lacked the power to prevent the exercise of this right. The Court suggested that the legislature pass a statute on this subject in its ruling. Despite prior attempts and the Apex Court's recommendation, there is still no particular statute against Honour Killings.¹⁴³⁸

Even though laws against murder, attempted murder, and aiding and abetting murder can and are used in cases of Honour Killings, this haphazard application of the law ignores the fundamental, underlying reason behind these crimes—Honour.

In addition to reflecting the sharp religion and caste-based divisions that still exist in Indian culture, the high rate of Honour Killings is also a sign of deeply ingrained patriarchal institutions that continue to restrict women's autonomy and decision-making. In the end, all honor killings uphold a social order and are frequently used to show other groups the superiority of castes. By passing legislation that criminalizes the mental and physical abuse, criminal intimidation, and other forms of violence that frequently precede an Honor Killing, the specific motivation behind the pervasive violence against those whose marriages and romantic relationships are viewed as socially unacceptable would be acknowledged. A new law would also make it easier to collect data, encourage increased police accountability, safeguard couples who are in danger, and put pressure on the government to act fast and decisively.

THE NEED FOR PROTECTION – The Law Commission Study for an Alternate Legal Framework to end Honour Killings in India

In its 242nd Report, Prevention of Interference with the Freedom of Marital Alliances (in the guise of Honor and Tradition): A Proposed Legal Structure, the Law Commission examined the factors that lead to honor killings in great depth and made a legislative framework recommendation to put an end to them.¹⁴³⁹

The following are excerpts from the report that are pertinent:

- Inadvertently referring to acts of violence and harassment against young couples who are getting married or who have already tied the knot against the wishes of their families or the community, "Honor Killings" and "Honor crimes" are common terminology that should be recognized. They are more frequently employed as catchphrases than as appropriate and precise terms.
- The alleged Honour Killings or atrocities are not unique to our nation. It is an evil that permeates several other societies as well. Such violent crimes are motivated by the idea that the victim has dishonored the family or the community. These violent crimes target women in particular. Members of a woman's family who believe that they are in an improper connection with her may also attack men as targets. One of the causes of Honour crimes has been the changing cultural and economic standing of women as well as their rebellion against the male-dominated culture.
- In some western cultures, women who want more independence and freedom to live their own lives frequently commit Honour Killings. Honour Killings are seen as less serious than other types of murder in some cultures because they are rooted in long-standing customs and are therefore seen as acceptable or legitimate.

¹⁴³⁹ Honour Killings in India" Daily Life in India. 16 June 2010. Retrieved 3 September 2010

- In most of the countries, Honour Killings are known to be caused by a woman's adulterous behavior, a premarital relationship, or the assertion of the individual's right to wed in the manner of their choosing. According to a Special Rapporteur to the UN report from the year 2002 on cultural practices in the family that are violent towards women, honor killings have been reported in Jordan, Lebanon, Morocco, Pakistan, the United Arab Emirates, Turkey, Yemen, and other countries in the Persian Gulf as well as in western countries like France, Germany, and the United Kingdom, mostly in immigrant communities.

- The report from the United Nations High Commissioner for Human Rights, which aims to end crimes against women done under the pretense of honor, is quite enlightening. In addition to the various countries mentioned above, the UN Committee on Human Rights claims that honor killings also take place in Bangladesh, Brazil, Ecuador, India, Israel, Italy, Morocco, Sweden, Turkey, and Uganda.

- According to Mr. Widney Brown, Human Rights Watch's advocacy director, the practice of Honour Killing exists in all countries and in all religions. According to certain reports, many people in various communities are willing to support the assassination of someone who has dishonored their family.

- In several nations, like Haiti, Jordan, Syria, Morocco, and two countries in Latin America, the national legal courts do not punish males who kill female relatives who are caught engaging in adultery or husbands who murder their wives in flagrante delicto.

- In terms of India, the States of Haryana, Punjab, Rajasthan, and U.P. are where Honour Killings are most frequently reported. Bhagalpur in Bihar is another location where Honour Killings have been documented. Even reports of a few occurrences come from Tamil Nadu and Delhi. When a couple marries someone from a different caste or moves out of their parents' house to live together, this might lead to negative behavior being committed against the pair and their close relatives.

- In order to have a sense of the typical criminal scene in such circumstances, the Commission made an effort to determine the frequency of such incidents, the accused parties involved, the precise causes, etc. To provide the information, the government authorities of the States where occurrences frequently occur have been contacted. By letter dated May 26, 2010, the Director (SR) at the Ministry of Home Affairs also asked the involved State Governments to provide the Commission with the required information. Despite the admonition, there has been no reaction.

- Nonetheless, it is evident from media stories and information from numerous other sources that people who marry outside of their caste or religion, without the approval of their families, commit Honour crimes in those States.

- Marriages between people with the same Gotra (family name) have frequently provoked violent responses from neighbors or family members. Caste councils, also known as Panchayats or Khap Panchayats, attempt to follow the chosen path of moral vigilantism and implement their edicts against Honour Killings while adopting the position of social or community watchdogs.

The extent of the issue and the requirement for a Separate Law:

The Report asserts the following in reference to the size of the problem and the need for a special law:

- It is a flagrant violation of the rule of law and an infringement on the personal liberties of those who are affected when Khap Panchayats, which take matters into their own hands, declare inter-caste and Sagotra marriages to be invalid and improper, punish the couple, and put pressure on family members to carry out their decision.

- Notwithstanding the prevailing opinion in the past, sagotra weddings are not illegal according to the law. In order to allay any concerns, the Hindu Marriage Disabilities Removal Act, 1946 was passed. The Act explicitly stated that marriages between Hindus from the same gotra, pravara, or different caste

subgroups were valid. Inter-caste or sagotra marriages are not prohibited by the Hindu Marriage Act.

- It is forbidden to force the views of village elders or family elders upon a willing spouse and no one has the right to use force or levy harsh fines in the name of protecting family honor or community honor. There are allegations that the so-called erring couple has been subjected to harsh measures, such as unlawful detention, ongoing harassment, mental torture, and threats or acts of serious physical damage, either at the behest of some or all of the Panchayatdars or with their complicity.

- The news has reported on a number of murders involving different couples. The young couple, the families, and even some local residents are frequently the target of social boycotts and other criminal sanctions. All of this is carried out in the interest of custom and Honour. The cumulative impact of all such actions has implications for public order as well.

Bill - The Law Commission had created a model "Bill" that said the following while referring to the general rationale behind its provisions:

- The idea behind the proposed Bill's provisions is that there must be a threshold barrier against congregation or assembly for the purpose of objecting to and condemning the conduct of young people of marriageable age marrying in accordance with their choice, the ground of objection being that they belong to the same gotra or to different castes /communities.

- The Panchayatdars or caste elders have no right to interfere with these young couples' right to life and liberty or to place them in risk by forcing them into a hostile environment in the village or neighborhood in question. Such arrogant actions frequently lead to social unrest and strife.

- No frame of mind or thought founded on social hierarchy may claim immunity from social supervision and regulation insofar as they pose as enforcers of right and wrong. The act of gathering for the unlawful purpose of

condemning a marriage that is otherwise legal and taking subsequent action should be recognized as a crime since it may put the lives and liberty of the individuals involved in jeopardy.

- Caste groups and assemblies that believe they are above the law are not discouraged or brought to heel by the current state of the law. Members of caste councils or Panchayats have a sociocultural outlook that shows little to no concern for personal freedom and autonomy.

Liberty and Choice-Based Autonomy

The Law Commission's statement of the proposed Bill's basic purpose, which emphasizes autonomy of choice and liberty, is as follows:

- The autonomy of each individual in matters pertaining to themselves, as a free and willing producer of their own choices and decisions, is now at the center of all thought on communal order and organization. It is unnecessary to point out that such autonomy, with all of its varied aspects, is a principle guaranteed by the constitution and is essential to a free society and a civilized order

- The conflicts between individual freedom and traditional social norms focus the community's ability to think out and offer the least harmful or unpleasant alternatives during times and situations of social transformation. Consideration is on the wisdom or foolishness of specific communal beliefs and customs, their impact on freedom, individuality, and self-worth, as well as the parents' concern over rash and uninformed choices.

- The problem, though, is the sinister phenomena of coercive social practices carried out in the name of honor that provoke violent responses from the influential community

- The Report demonstrated how the crime had a disastrous influence on both an individual's freedom of choice and the collective's ability to govern that freedom. The Commission has emphasized the powerful community's intense pressure, how they punish wrongdoing couples in accordance with their

sociocultural perceptions and sense of community Honour, and the actions they take that have the effect of eliminating the rights of individuals that are guaranteed by the Constitution.

- It has eloquently discussed each person's autonomy in topics pertaining to themselves as well as the exercise of the right that is inherent to the stated individual.

WHAT PENALTY IS ALLOWED UNDER IPC FOR HONOUR KILLING?

- **Sections 299–304:** Every person found responsible for a murder or a culpable homicide that is not a murder ought to be punished. Murder is punishable by the death penalty or life in prison in addition to a fine. Non-murderous culpable homicide carries a sentence of life in prison or a maximum of ten years in jail together with a fine.
- **Section 307:** Making a death threat carries a maximum 10-year prison sentence as well as a fine. If someone is harmed, the punishment might be increased to life in prison.
- **Section 308:** The maximum sentence for attempting to commit culpable homicide is three years in prison, a fine, or both. If it results in injury, the offender faces up to 7 years in prison, a fine, or both.
- **Sections 120A and 120B:** Anybody who takes part in a criminal conspiracy should be punished.
- **Sections 107–116:** Those who assist in killings, especially culpable homicide, should be punished.
- **Sections 34 and 35:** Punishes multi-person crimes committed in furtherance of a single goal.

SUPREME COURT & HONOUR KILLING IN INDIA

The Supreme Court established guidelines to stop the epidemic of honour killings in a writ petition "Shakti Vahini v. Union of India". The court spent much time discussing the evil before concluding its decision by offering guidelines.

GUIDELINES

The court provided the relevant States' executive and police administration with freedom to incorporate additional measures in order to develop a robust mechanism for the specified aims while leaving the specific details and modalities up to them.¹⁴⁴⁰

1. Preventive Steps:

- (a) Quickly name the Districts, Sub-Divisions, and/or Villages where Honor Killings or the establishment of Khap Panchayats have been reported recently, such as within the last five years.
- (b) The Secretary of the Home Department of the concerned States shall give instructions or advice to the Superintendent of Police of the concerned Districts so that the Officer In Charge of the Police Stations of the identified areas is extra cautious if any instance of an intercaste or interreligious marriage takes place within their jurisdiction.
- (c) The Khap Panchayat members must be informed immediately following receipt of this information by the Deputy Superintendent of Police (or another senior police officer designated by the State Governments for the district or region) that holding such a meeting is prohibited by law and that it should not go forward. He should also give the proper instructions to the officer in command of the local police station so that they may be watchful and, if required, use sufficient force to prevent the anticipated gathering from coming together.
- (d) Despite such precautions, if the meeting goes ahead, the Deputy Superintendent of Police must personally attend it and make it clear to the group that no decisions may be made that could harm the couple or the couple's family; otherwise, everyone present at the meeting—aside from the organizers—could face criminal charges. Additionally, he will see to it that the conversation and participation of the assembly members are videotaped so that

¹⁴⁴⁰ <https://thelawmatics.in/full-text-of-supreme-courts-guidelines-on-honour-killings>

the law enforcement apparatus may take appropriate action in response.

(e) If the Deputy Superintendent of Police has reason to believe that the gathering cannot be stopped and/or is likely to cause harm to the couple or members of their family, he must make a proposal to the District Magistrate/Sub-Divisional Magistrate of the District/Competent Authority of the concerned area for issuing orders to take preventive steps under the Cr.P.C., including by invoking prohibition.

(f) To implement the constitutional goals of social justice and the rule of law, the Home Department of the Government of India must take the initiative and work with the State Governments to educate law enforcement agencies and by bringing all stakeholders together to identify the measures for preventing such violence.

(g) There should be an institutional framework in place with the necessary coordination of all the parties. The Center and the various State Governments should work to inform law enforcement agencies of the necessity of enforcing societal initiatives and awareness to stop such violence.

2. Remedial Measures:

(a) (a) Despite the precautions taken by the State Police, if the local police learn that a Khap Panchayat meeting has taken place and that it has passed a resolution ordering action against a couple or family of an intercaste or interreligious marriage (or any other marriage that does not meet their acceptance), the jurisdictional police official shall immediately cause to lodge an F.I.R. under the applicable provisions of the Indian Penal Code, including Sections 141, 143, and 503.¹⁴⁴¹

(b) When an F.I.R. is filed, notice must also be sent to the superintendent or deputy superintendent of police, who is then responsible for overseeing the fast and efficient completion of an effective investigation into the offence.

(c) Keeping in mind their perception of risk, the couple/family should also get urgent security and, if necessary, be relocated to a secure house within the same district or abroad. For that aim, the State Government can think of creating a safe house at each District Headquarter. Such safe residences can accommodate:

1. Young couples in bachelor/bachelorette relationships who face opposition from their families, communities, or khaps, and

2. Young married couples (of a marriage that is opposed by their families, local community, or Khaps because it is intercaste, interreligious, or any other marriage). The District Magistrate and Superintendent of Police with jurisdiction over the area may be assigned to oversee such safe homes.

(d) The District Magistrate or Police Superintendent must handle the allegation regarding the threat made against such a couple or family with the utmost tact. To begin with, it is important to confirm that the bachelor and bachelorette are mature adults. After that, if necessary, logistical help may be given to them so they can legally register their marriage and/or have it solemnized, all while being protected by the police, if they like.

(e) If the couple so chooses, they can pay a small charge to stay in the safe house after the wedding, initially for a period of one month that may be extended on a monthly basis but cannot total more than one year altogether, based on their threat assessment on a case-by-case basis.

(f) When a bachelor-bachelorette or newlywed couple is the subject of a complaint, the District Magistrate or Superintendent of Police must assign an officer of the rank of Additional Superintendent of Police to conduct the initial investigation. This duty also applies if the District Magistrate or Superintendent of Police learns from a reliable source that the relationship or marriage of the subject couple is opposed by their khaps.

(g) He will make a preliminary investigation to determine the veracity, nature, and

¹⁴⁴¹ Anand Mishra, Honour Killing: The Law It Is and The Law It Ought To Be, Manupatra.

seriousness of the perceived danger. When he is confident in the veracity of such threats, he must send a report right away to the Superintendent of Police within a week.

(h) In response to such a report, the District Superintendent of Police must instruct the Deputy Superintendent of Police in charge of the affected subdivision to initiate a formal investigation (F.I.R.) against the person or persons posing a threat to the couple and, if necessary, to apply Section 151 of the Criminal Procedure Code.

(i) In addition, the investigation's progress must be personally observed by the Deputy Superintendent of Police to ensure that it proceeds rapidly towards a logical conclusion. Without exception, everyone who has taken part in the assembly, including the members, will be booked during the investigation. Members of the Khap Panchayat will also face charges for conspiracy or aiding and abetting, as appropriate.

3. Punitive Measures:

(a) Any failure to follow the aforementioned instructions by district officers or police will be regarded as purposeful misconduct and/or negligence, for which departmental action is required under service regulations. The authority of the first instance shall commence the departmental action and carry it out to its logical conclusion, ideally within six months.

(b) According to the Court's decision, the States are mandated to discipline the relevant officials if it is discovered that:

- I. Despite knowing about the situation beforehand, such official(s) failed to stop it,
- II. Where the incident had already happened, such official(s) failed to quickly detain and file charges against the offenders.
- III. To handle complaints of intercaste married couples being harassed and threatened, the State Governments shall establish Special Cells with the District Superintendent of Police, District Social Welfare Officer, and District Adi-Dravidar Welfare Officer in each District.

IV. These Special Cells will establish a 24-hour hotline to take such complaints, register them, and offer the couple the assistance, guidance, and protection they require.

(c) The designated Court/Fast Track Court created for that purpose shall hear the criminal proceedings involving Honour Killings or violence against the couple(s). The trial must go daily in order to be finished, ideally, six months after the date the offence was recognized as a crime. To ensure that the cases are resolved quickly, the appropriate District Judge shall allocate the matters, to the extent practicable, to a single jurisdictional court.

CONCLUSION

Due to a number of issues, including gender discrimination, abuses of women's rights, a lack of education and public awareness, lax law enforcement, and unreported crimes, innocent people are killed every year in the sake of bringing shame to their family. Honor Killing is a customary crime that needs to be prevented.

These crimes should be outlawed in India since it is a multicultural and multiethnic nation and they impede the progress of a civilized nation. Consequently, it is important to respect all religions, castes, and genders without discrimination while also looking out for one another's wellbeing and the welfare of society as a whole. No religion or cultural tradition can be used as justification for the cruel practice of Honor Killing.

There are many crimes that are punished in India, but some of them get away since the current Indian legal system has some gaps and loopholes. One of these is honor killing, which has no explicit legal prohibitions and kills numerous innocent individuals as a result. Victims who engage in Honor Killing move freely through society and expect others to treat their female family members the same way they have.

Only laws have the power to punish criminals; otherwise, people would believe that no one could hold them accountable and that they could do whatever they please. So, in order for

India to function properly and safeguard its women and citizens, it is necessary to change the mindset of those who advocate for severe regulations.

As was previously mentioned, an Honor Killing happens when another family member is killed. Regrettably, in a democracy where everyone has countless freedoms of expression, Honor Killing is pervasive in rural and urban India. Because people in rural areas are unaware of the rights that are specifically intended for them, it is important that they are informed of their rights and the laws that are in place to protect them. This practice, which ought to be fully outlawed, is still practiced in India and many other nations.

RECOMMENDATIONS & SUGGESTIONS

The right to live in dignity is a fundamental human right. Nobody has the authority to take away someone's right to life or other basic freedoms. Those who act dishonorably and violate traditional rites and practices risk having their reputations tarnished in order to protect and preserve the family's honor and dignity. Killing. In this crime, family members themselves are responsible for the victims' deaths because they want to protect their family's Honor. They use the excuse of honor to justify these crimes, yet murdering one's own family members is not an act of honor.

In our country, many young girls and boys were killed under the guise of maintaining family honor. At both the international and national levels, it is now necessary to take severe action against Honor Killings. This analysis shows that the state, the central government, and the judiciary have all performed their duties extremely well and have consistently safeguarded the fundamental values of human dignity. It has looked into a number of situations alleging grave assaults on citizens' human dignity.¹⁴⁴²

To guarantee the effectiveness and efficiency of the state, the following recommendations are made. It will be simple to process to stop the conventional evil activities from society if following recommendations are accepted as true in order for everyone to live with human dignity and Honor in society:

- The Central and State Governments should take the initiative to guarantee that a sufficient new strict legislation against religion-based crimes and Honor Killings is in place and to enforce severe legal punishments against community leaders who accept or tolerate such Honor crimes.
- Although the government has passed numerous laws, this does not guarantee that they will uphold the rule of law and prevent discrimination in society. It is important to keep in mind that better enforcing the law is required to advance women's standing, and that unauthorized institutions like Khap Panchayat must be eliminated from society. Without a society that properly carries out the laws, laws have no purpose.
- The Sati Prevention Act, 1987 must be placed on an equal basis with specialized legislation like the Prevention and Control of Honor Killing Act.
- I truly believe that it is time to put a stop to discrimination based on caste, bad customs, a society dominated by men, and the undesired and inflated prominence of so-called community honor, which finally leads to outright discrimination and crimes like honor killing.
- Members of the Khap Panchayat who commit crimes that result in a person's death should be sentenced to death or life in prison along with a heavy fine, and their whole property should be seized. In such cases, the Panchayat as a whole need to be held liable for the person's passing.
- Section 300 of the Indian Criminal Code of 1860 should be amended to incorporate a new clause that states that any person or group of persons is guilty of murder if it is determined that they conspired to kill someone in the hopes

¹⁴⁴² <https://www.legalserviceindia.com/legal/article-2425-a-socio-legal-study-on-honour-killing-as-a-crime-in-india>

of restoring honor to their family, community, or caste.

- Anybody who knowingly aids in facilitating, encouraging, or threatening any such act of violence against women and men should be held accountable. Any acts of violence against women and men committed in the name of honor should be criminalized.

- It is also urged that fast-track courts be established to handle cases of Honor Killing in order to seek immediate justice.

- Without giving in to political or other pressure from powerful local leaders, police officers and prosecutors should promptly, impartially, and thoroughly investigate all reports of violence against women committed in the name of honor. They should also treat crimes of honor killing seriously and effectively.

- It is important to let people know that crimes like sex-selective abortion, female infanticide, genital mutilation, rape, physical abuse, and forced marriages will all be considered instances of "honor killings" and that there is no honor in them.

- In order for the residents of a remote area to be aware of key legal facts, legal awareness programmes must be offered.

- The role of NGO in addressing such social issues is crucial. They can speak with residents of those communities where these customs are still in place and help the government prevent and stop occurrences of Honor Killings. NGO engagement and activities should be included in the creation of multiple programmes about social reform movements against the caste system, gender-based crime to eradicate Honor Killing crimes, and other themes.

- It is also recommended that the Central Government request a monthly report from the State Government on incidents of violence against women in order to develop a strategy to stop such crimes.

- The judiciary and police need to adjust their attitudes towards women, and we need to activate our system to stop anyone from abusing women's dignity.

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