

Analyzing the Sociological Impact of Honour Killings

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ABSTRACT

Honour Killings as a social vice has been ingrained within the Indian society since the time immemorial and has existed ever since in form of “entrenched flaw” tarnishing the very social fabric. The aim of this paper is to provide with a comprehensive sociological analysis of Honor Killings and various factors acting as a catalyst to this phenomenon. Further, the paper also focuses on the probable challenges which are faced by law enforcement agencies in detection of “plausible perpetrators” of these crimes. Most importantly, the ultimate motive of the paper is to analyze the factors which drive the mindset and behaviour of the offenders using the theories of criminology and sociology examining the role different kinds of institutions in addressing the perpetrators of honor killings. The paper also explores into a rather debatable question is there is a need for a special laws in the paradigm of legal system in order to provide curbing mechanism for Honor Killings or whether the current laws under the sections 300 and 302 of IPC suffice for curbing this vice. The paper also sheds light on the roots of the problem and provides some insights to aid in prevention strategies.

Keywords: Honour Killings, Inter-caste Marriage, Inter-religious marriage, Social Learning Theory, General Strain Theory, Sub-culture Theory.

I. INTRODUCTION

When an ideology is disseminated amidst the core values of its large general population, it ultimately takes the shape of a convention, and such normalization of norms makes it a strenuous task for those deviating from those established norms. That is where the problem of honour killings stems from i.e the conventions of attaching a family’s values in form of its “Honour” to the actions of its members, which in majority of cases happen to be woman.

Thus, when the “purported” members of a community are not able to confine themselves to the established bracket or normalized conventions of the society for which it is normally expected to, it ultimately results into what the “conventional population” think as bringing grave dishonor to the family or community. Thus, the people who expectedly bring shame or dishonor to the family are condemned by the society, however, in some of the scenarios this condemnation takes the aggravated form of death of condemned individuals. Unfortunately, the regular approach of the legal system towards this horrendous crime is inefficient, and there should be an immediate change in how the government, the judiciary, and other governmental authorities deal with this situation of emergency. Therefore, it becomes essential what honor killings are and the blight that they cause over a general society.

Caste has always been viewed as sacred unalterable social phenomenon which ultimately feeds a person's standing in the society by creating a sort of hierarchical structure and binding it in the precincts of that established social boundary. The absurdness owing to the caste system has not attenuated for the worse and its omnipresence in our daily life has just been accepted as a social norm. Instances of caste discrimination in contemporaneous times in India clearly establish the fact that people hold on to their caste identities even today. Equality is the most basic principle that has been asseverated by our esteemed constitution and on that basis secularism is followed in our country, but the social reality somewhat seems to be tarnishing this secular fabric. Though we are in the 21st century but a huge chunk of people hold on to their "cherished" traditions by thinking that marrying within different caste, same gotra and against the will of the family is a matter of great dishonor whose punishment should be death. This self-acclaimed right to kill has most been exercised against the females of the family which holds strong patriarchal weight. Unfortunately, we live in a society where getting raped or divorced or being a victim of sexual harassment is considered as a mistake of female member. This crime is sponsored and witnessed differently in botha rural and urban areas. In rural areas, the act of honor killing is mostly carried out by under the influences of "Khap Panchayat". The Supreme Court in 2011,2 held, "We have in recent years heard of "Khap Panchayats" (known as "KattaPanchayats" in Tamil Nadu) which often decree or encourage honour killings or other atrocities in an institutionalised way on boys and girls of different castes and religion, who wish to get married or have been married, or interfere with the personal lives of people. We are of the opinion that this is wholly illegal and has to be ruthlessly stamped out."

It is in light of these facts that this research paper seeks to find out that the reasons of mindsets some of the members of the society by using various sociological theories, the working of different institutions in curbing this social vice and if there is a need for a special law for dealing with this "special" crime.

Research Objectives

The objectives of this research study can be clearly outlined as follows:

1. To apply sociological theories on the intention of the perpetrators for committing honour killings
2. To analyse the judicial stand and its precedents along with other available data to come to a conclusion for the present scenario in India
3. To examine the current laws and propose amendments if needed at all.

- Statement of Purpose

After examination of the current judicial stance and the available public literature on the sociological effect of honour killings in India , this research study has been undertaken with the overarching question: What is the absolute sociological effect of practice of honour killings in the society in India?

- Research Methodology

The proposed study is primarily analytical in nature. Apart from an extensive analysis of precedents, focus has been placed on the review of available public literature. The research is doctrinal in its nature and aid has been taken from the data of National Criminal Records Bureau.

I. CONCEPT OF HONOUR KILLING AND ITS POTENTIAL VICTIMS

According to the definition provided by the Human Rights Watch, the honour killing is 'act of violence, usually murder, committed by male family members against female family members who are perceived

to have brought dishonour upon the family by being romantically involved with or choosing to marry men outside their caste, class or religion.' This precise definition elucidated by Human Rights Watch aptly applies to India's position on honour killings. It is quite evident that this definition has been restricted to killings of female members but it should not mean to generalize and restrict this phenomenon to a particular gender only. Males have been a victim of this social vice too but this very fact does not come into limelight because of established "patriarchy" assumes the fact that male members are supposedly the dominant ones who control the society and cannot be victims to social vices.¹

Another popular definition has been provided by Amnesty International 2002 which explained the concept as "honour killing of a woman by a male relative not as an individual act of violence, but as a crime which is collective, planned, sociologically anticipated, and socially sanctioned by the family and community concerned. It also claims that the regime of honour is unforgiving; women are not given an opportunity to defend themselves. Their family members have no other socially acceptable substitute than to remove the stain on their honour by attacking them."

We can infer that this is an act of violence which is socially sanctioned and is mainly done against female in order to protect the "family honour". The definition has been provided by various institutions according to the conditions and norms prevailing at that time but still one thing that can be aptly inferred that this is a heinous crime and cannot go untouched. It is a general observation that the perpetrators of this crime believe that "honour" of the family is more important or valuable than a human life. It is ironic how in a country like India where women are prayed as goddess and considered prestige to the family become the major victims of these heinous social crimes.²

As per the records of National Crime Records Bureau India has reported an astonishing 251 cases of honour killings in 2015, which shows a significant increase in killings of people who went against the wishes of their family. The state reported 34 instances of honour killings between 2008 and 2010 which clearly shows a rising trend. Honour killings in India have been reported in the northern regions, where the mentality has been conventional and orthodox i.e states of Haryana, Punjab, Rajasthan and Uttar Pradesh. Honour killings have also been widespread in South India and the states of Maharashtra and Gujarat.

Thus, it can be said that the act of honour killing is not an isolated incident, detached from the realities of social paradigm but rather it stems from a plethora of social factors existing in our society, with 'caste' and 'religion' being two of the major contributors. Individuals who "marry or fall in love with someone from different caste or religion" and hence being dishonour to the family, are the ones who end up becoming the victims of this gruesome crime. The act of killing the couples has evidently become common, being "perpetuated by deeply ingrained beliefs" that prioritize social expectations over individual choices.

II. PROBABLE CAUSES FO HONOUR KILLING IN INDIAN SCENARIO

There are numerous reasons which are unique to India and act as "catalyst" in commission of this grave offence of honour killing.

¹ Verma, A. (2023). Honour Killings in India: Perspective on Various Theories of Crime. *Indian Journal of Law and Legal Research*, 5, 1-9.

² Jindal, A. (2020). Honour Killings in India. *International Journal of Law Management & Humanities*, 3, 1140-1147.

1. **Mentality of people-** The leading cause of this inhumane crime of honour killing is the mentality or conventional mindset of the people, on the count that people are not ready to accept the truth or are so pre-conceived in their notions that their children should marry according to their will and when this notion breaks down, it takes a violent form.
2. **Rigidity of the caste system-** The inflexible caste system has churned the society by dividing it into segments or sections on the basis of some established hierarchy. Indian society has typically been divided into four segments- the brahmins, kshatriyas, Vaishyas and shudras. The division which was sponsored by established social structures became hierarchical in nature and marriage within the same community came as a common practice which later became a custom. Some instances where caste hierarchy sponsored the honour killings are as follows-
“In 2014, a college student named Bhawna Yadav was brutally murdered by her own parents and maternal uncle for marrying her boyfriend, who belongs to different caste. According to the sources the girl was beaten up, strangled and hurriedly cremated.”
“In Kanyakumari a Dalit boy was murdered by upper caste Hindus for being in love relationship with a woman from their community.”
“Gudur Sandeep Reddy Vs. State Of Telengana -Here in this case a boy was killed by girl's father and her relatives because of inter-caste marriage between the girl and boy. The girl family is not ready to accept such inter -caste marriage so they decided to kill the boy to restore their family prestige or reputation.”
3. **Interreligious marriages-** It is defined as marriage between two persons which profess different religion. There seems to be a common consensus among the larger Indian society that marrying outside the religion is something to be detested prima facie. For instance, a recent event in Meerut(Hapur) spurred a controversy when a Hindu boy married a Muslim girl and the girl's family killed them both.³
4. **Illiteracy and unawareness about rights-** A large chunk of the society is unaware about the basic human rights that they possess and this becomes a reason for being victims to these gruesome crimes. These instances of honour killing categorical violates the basic provision of the Indian Constitution like Articles 14, 15(1) and (3), 21 and 39(b).
5. **Lack of adequate laws-** There is no “one-size fits all” definition for the honour killings and the punishment for honour killings is given under the general provisions of Indian Penal Code, 1860 under the sections 299 to 304. There is a need for strict laws to be implemented in India.
6. **Pre- Marital Sexual Intercourse-** In Indian society, engaging in sexual intercourse prior to marriage is widely regarded as unacceptable and is considered to be an unethical action that goes against the principles of various religions. The notion of virginity holds significant importance in Indian society, as it is regarded as a desirable trait for an ideal wife. In Indian society, the loss of a girl's virginity is traditionally believed to occur exclusively through sexual intercourse with her husband after marriage. Any premarital sexual activity is regarded as bringing dishonour to the family's name or character. The sexual agency of women is often subject to external constraints, limiting their ability to freely select sexual partners according to their own preferences. If an individual deviates from this circumstance, they are susceptible to becoming a target of honour killing.

³ Sandeep Rai: Muslim woman weds Hindu man both killed, (Updated: Nov 30, 2014, 15:42 IST
http://timesofindia.indiatimes.com/articleshow/45321279.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cpst

7. Extramarital affairs- In Indian society are regarded as immoral and unethical acts that bring shame upon the family's reputation and raise questions about the individual's upbringing within their community or society. This scenario results in masculine individuals within the family engaging in acts of honour-based violence against the victim in order to restore their perceived honour.
8. Marrying within the same Gotra- In Hindu customs and traditions, it is prohibited for individuals belonging to the same gotra, or ancestral bloodline, to enter into a marital union. This restriction stems from the belief that those sharing the same gotra are regarded as siblings. The Hindu Marriage Act of 1955 does not recognise the legality of marriages between individuals belonging to the same gotra, deeming such unions as null and void ab initio. In instances where individuals entered into matrimonial alliances with partners belonging to the same gotra or sapinda lineage, subsequent acts of violence perpetrated by their family or relatives were observed as a means to safeguard familial honour.⁴ The Manoj-Babli case involved the tragic murder of Manoj and Babli, who were subjected to extreme violence by Babli's relatives due to their decision to marry within the same gotra. Based on available records, it is noted that the pair was initially requested to acknowledge a fraternal relationship, although they declined to comply. Subsequently, under the directives of the Khap Panchayat, Babli's relatives were responsible for their untimely demise.
9. Homosexuality- Homosexuality refers to the sexual intercourse or sexual desire between individuals of the same sex, such as between males or between women. However, it is worth noting that Indian society currently exhibits resistance towards accepting homosexuality, which unfortunately contributes to instances of honour killings.
10. Lack of Formal Governance- One of the primary factors contributing to the rise in incidents of honour killings is the absence of a formal governance structure that effectively extends its reach to the rural segments of society. A significant proportion of the Indian population resides in rural areas, however they lack access to equitable means of obtaining justice.

III. JUDICIAL STANCE ON HONOUR KILLINGS IN INDIA

It is a matter of great reprieve that our Judiciary has been pro-active in taking its stance against the vice of honour killings as it has firmly established in its judgements. There have been various instances where judiciary has taken a categorical stand in condemning the practice of honour killings.

In the landmark case of *State of Maharashtra v. Eknath Kisan Kumbharkar*⁵, the Bombay High Court while taking the aid of case of *Bhagwan Dass vs State (Nct) Of Delhi*⁶ observed that: ***'We have held in Lata Singh case that there is nothing "honourable" in "honour" killings, and they are nothing but barbaric and brutal murders by bigoted persons with feudal minds. In our opinion honour killings, for whatever reason, come within the category of the rarest of rare cases deserving death punishment.'***⁷

In another case of *Manoj- Babli*, where the court had sentenced five perpetrators involved in honour killings for life sentence and also convicted the khap panchayat for their order of killing the victims. The court took the cognizance of the matter that khap panchayats act as the “culminating” factor in ordering

⁴ MANU/SC/0365/2001.

⁵ 2019 SCC OnLine Bom 1474

⁶ (2011) 6 SCC 396

⁷ (2011) 6 SCC 396, 2019 SCC OnLine Bom 1474

of death to the victims of this grave crime. This case becomes important in order to understand that the social institutions which are purportedly made for betterment of social organization might be the ones which harness social structures to devoid society of its essence. Thus, these kind of situations create a very hollow situation for a society to co-exist peacefully.⁸

In one of the other important cases involving the consent in marriages is the *Shakti Vahini v. Union Of India*⁹ where the court very rightly observed that “*two adults do not need the consent of their families or relatives to get married and held any steps of the Khap Panchayat or any other body to suppress their desire to marry each other is illegal or unconstitutional.*” Thus, here the court has rightly observed that only the consent of the individuals is the only pre-requisite to get married and any other external influence including khap panchayat or any other institution to wilfully “suppress their desire to get married is illegal or unconstitutional.”

IV. LEGAL PERSPECTIVE OF HONOUR KILLINGS IN INDIA

In the context of India, there is no distinct legislation specifically addressing the issue of honour killings. However, the Indian Penal Code of 1860 has provisions that can be invoked to address instances of honour killings.

Sections 299-304

This subject matter pertains to the legal consequences associated with the act of committing murder, as well as culpable homicide that falls short of meeting the criteria for murder. According to this section, the penalty for the crime of murder is either a life sentence or death, together with a fine. Similarly, the punishment for culpable homicide that does not equal to murder is either life imprisonment or imprisonment for a maximum of 10 years, in addition to a fine. The act of honour killing is classified as a form of homicide within the scope of this particular provision.

Section 307 of Indian Penal Code, 1860

This pertains to the legal consequences associated with the act of attempted murder, which entails a maximum incarceration term of 10 years, accompanied by a monetary fine. In the event that the victim sustains injuries, the severity of the penalty may be heightened to life imprisonment. In situations when an unsuccessful attempt to do harm to an individual in the name of preserving honour is disclosed either by the targeted individual or a third party, it will be classified within the aforementioned category.

Sections 120A and 120B of Indian Penal Code, 1860¹⁰

The legislation imposes penalties on individuals who are involved in any criminal plot. In instances of honour killing, it is typically observed that the khap panchayat or the relatives of the victim are commonly associated with such acts.

Sections 107-116 of the Indian Penal Code¹¹ delineate the penalties associated with the act of abetting various felonies, encompassing acts such as murder and culpable homicide. In many instances, the khap panchayat is often regarded as being accountable for facilitating acts of honour killing.

⁸ Singh, M. (2022, May 13). The Need for a Law on Honour Crimes [web log]. Retrieved from <https://clpr.org.in/blog/the-need-for-a-law-on-honour-crimes/>

⁹ (2018) 7 SCC 192

¹⁰ The Indian Penal Code, 1860, 120A and 120B, No. 45, Acts of Parliament, 1860 (India).

¹¹ The Indian Penal Code, 1860, 107-116, No. 45, Acts of Parliament, 1860 (India).

The focus of this discussion will be on Sections 34 and 35¹²- It imposes penalties on collective illegal acts performed by a group of individuals with shared intent. In instances of honour killings, it is commonly seen that a collective of individuals, such as family members or members of rural communities, are involved in perpetrating this murder.

In the case of Manoj and Babli (2010), it marked a significant milestone as it was the first instance when the accused individuals involved in an honour killing were sentenced to life imprisonment. Prior to this case, no such punitive measure had been imposed on offenders in similar circumstances. The individuals involved in this particular instance entered into a matrimonial union, which was deemed unacceptable by the khap panchayat and their respective families due to their differing caste affiliations. The khap panchayat issued an order for their execution.

The assertion made above regarding the absence of distinct legislation pertaining to honour killings is accurate. Furthermore, a defined definition of the aforementioned concept is absent inside our legal framework. However, it is imperative to acknowledge that the phenomenon of honour killings often goes unreported, potentially accounting for the limited number of documented instances pertaining to this form of crime. Tracking these incidents poses significant challenges due to various factors. Firstly, the majority of the victims are deceased, making it inherently difficult to get accurate information. Additionally, these crimes predominantly occur in remote areas where the local population is often either complicit in the criminal activities or intimidated by the individuals responsible for them.

V. APPLICATION OF SOCIOLOGICAL THEORIES

The identification of the behavioural patterns exhibited by perpetrators of Honour Killings can be elucidated through the use of diverse criminological theories. This analytical approach aids in comprehending the underlying psychological processes and motivations that drive individuals to engage in such criminal acts. The Social Learning Theory is a psychological framework that posits that individuals acquire new behaviours and knowledge through observing and imitating the actions of others. This theory suggests that learning is

The field of criminology extensively relies on social learning theory as a framework for comprehending human behaviour. The aforementioned idea, formulated by respected scholars such as Albert Bandura, asserts that individuals do not possess an innate inclination towards violence. On the contrary, individuals acquire aggressive conduct through their lived encounters and the impact of the sociocultural milieu in which they are immersed. Social learning theorists claim that violent behaviour is not inherent, but rather acquired via the processes of socialisation.

Based on the principles of social learning theory, the process of identity development is understood as a learned response to social stimuli. Rather than centering on the individual psyche, this perspective emphasises the societal context of socialisation. According to this concept, an individual's sense of self is not solely determined by their unconscious mind, as posited by psychoanalytic thinkers. Instead, it is shaped by how they show themselves in relation to the societal expectations placed upon them. The attitudes and behaviours of individuals undergo transformations due to the influence of support and reinforcement provided by their social environment. Social learning theorists acknowledge the importance of early experiences, although they contend that the acts and attitudes of others exert a more substantial impact on the formation of one's identity.

¹² The Indian Penal Code, 1860, 34 and 35, No. 45, Acts of Parliament, 1860 (India).

According to this theoretical perspective, individuals engage in criminal behaviour as a result of their association and interaction with other individuals who are actively involved in criminal activities. Individuals develop attitudes that promote criminal behaviour, and their engagement in illicit activities is further strengthened. They primarily associate themselves with criminal figures as their role models. Consequently, individuals begin to develop the belief that criminal behaviour is either favourable or, at the very least, occasionally warranted. The acquisition of illegal or deviant behaviour is facilitated through social affiliation or exposure to individuals, akin to the acquisition of conforming behaviour. In reality, aside from a history of criminal activity, association with delinquent peers is the most reliable indicator of delinquent behaviour.

When examining the phenomenon of Honour Killings through the lens of this theory, it becomes apparent that the individuals who commit such crimes are significantly impacted by several societal variables. The individual in question does not possess an inherent predisposition towards illegal behaviour. Rather, it is the concept of 'honour' that he internalises and feels compelled to protect, regardless of the consequences. This inclination gradually grows as he becomes more acquainted with the complexities of the world.

Given the prevailing circumstances, it is apparent that the individuals engaging in such misconduct primarily consist of family members, community members, or Khap Panchayats. This observation strongly suggests that this behaviour is acquired through socialisation within their immediate environment. A family member is prepared to undertake extreme measures due to concerns of the potential societal repercussions resulting from the actions of an individual inside their family. Individuals within a community acquire certain behavioural patterns through observational learning, wherein they see and imitate the actions of other people within their community who exhibit similar behaviour. Therefore, it can be argued that this behaviour is transmitted within society, either from one individual to another or over generations, fostering the belief that honour is synonymous with existence, and that life lacks purpose without it. Consequently, the perpetrator arrives at the determination that in the event of an attempt to besmirch their reputation, resorting to aggressive measures, including lethal force, is morally acceptable. The act of honour killing and the individuals who commit it cannot be justified under any circumstances. However, it is important to acknowledge that the prevalence of this social evil in society is influenced to a significant extent by the exposure of young and uneducated individuals to the ideologies of their elders. These ideologies normalise interpretations of dishonour and subsequently justify the actions taken to preserve it.

The **General Strain Theory (GST)** is a criminological perspective that seeks to explain the causes of criminal behaviour. Sociological Theory encompasses various theoretical frameworks, one of which is the General Strain Theory (GST), which offers a distinctive perspective in understanding criminal behaviour. In contrast to alternative theoretical frameworks, such as control and learning theories, which primarily examine the interpersonal treatment of individuals, the General Strain Theory (GST) places emphasis on the influence of negative emotions on the formation of criminal conduct. According to the General Strain Theory (GST), humans may encounter adverse affective states, including anger, frustration, melancholy, and hopelessness, when confronted with pressure or stress. These affective states elicit a feeling of tension that serves as a driving force for individuals to engage in remedial measures, perhaps leading to criminal behaviour or delinquency. The General Strain Theory (GST) posits that the presence of unpleasant emotions has the potential to contribute to the manifestation of criminal conduct and delinquency, particularly among persons who possess insufficient coping strategies or lack supportive social networks. The primary sources of strain in this context include the-

- Failure to attain societal or individual goals
- The discrepancy between expectations and actual achievements.
- -The elimination of favourable elements in one's life
- The presentation of aversive stimuli

The presentation of aversive stimuli

The aforementioned factors contribute to the development of adverse emotional states, subsequently resulting in the manifestation of antisocial conduct.

Another facet of honour killings might be interpreted as individuals projecting their own expectations, frustrations, and disappointments onto others. The individuals involved in this context receive a sense of accomplishment by pushing societal norms and regulations onto their peers. The perception of superiority, authority, or power arises from the establishment and dissemination of norms that compel others to comply. By enforcing conformity upon others, individuals perceive themselves as safeguarding the honour of their family or society, thereby experiencing a gratifying sense of achievement. The presence of adverse stimuli within an individual's personal experiences leads to a subsequent desire to counterbalance these effects through alternative behaviours. Therefore, for several perpetrators of honour killings, violence serves as a means to attain a sense of self-gratification or power.

According to the General Strain Theory (GST), individuals may resort to engaging in criminal behaviour as a means of coping with strain or stress. In instances of honour killings, perpetrators may experience psychological tension stemming from several circumstances, including religious or cultural norms, familial influence, and a commitment to preserving traditional values.

An instance of familial strain might arise when a daughter decides to enter into matrimony with an individual who belongs to a different caste or religious background. This decision has the potential to be perceived as a challenge to the family's integrity or standing, resulting in a perception of tension or stress. Moreover, the family can experience a feeling of shame or embarrassment in the event that the community becomes aware of the daughter's choice. This particular strain of circumstances may prompt the family to undertake remedial measures, such as resorting to an act of honour killing.

In addition, it is worth noting that perpetrators of honour killings may also manifest adverse affective states, such as anger, frustration, or resentment, towards the victim as a result of their non-compliance with cultural or religious conventions. The presence of these emotions, in conjunction with the perception of tension, can serve as a driving force behind their inclination to engage in acts of violence.

The subculture theory is a sociological perspective that examines the formation and existence of subcultures within larger societies.

The subculture theory posits that criminal activity emerges as a result of individuals adhering to the values and conventions of their subculture, which frequently deviate from those of the prevailing culture. By adopting this approach, individuals have the potential to violate the norms established by the prevailing culture while simultaneously conforming to the principles and values upheld by their own social group. According to subcultural theorists, individuals who possess shared values and beliefs within their subculture tend to exhibit aberrant behaviour as a consequence of their detachment from the broader societal context. In contrast to the perspective of social control theorists, who ascribe criminal behaviour to a deficiency in commitment towards conventional institutions, the subculture theory places emphasis on the influence of peer pressure as a driving force behind deviant actions. Moreover, subcultural theory provides a comprehensive elucidation of non-utilitarian offences such as vandalism and joyriding, positing deviance as a reaction to social exclusion.

In this regard, it is noteworthy that Honour Killings are crimes that exhibit a significant prevalence in rural regions, where villages and communities tend to develop distinct subcultures. The distinction can be discerned not alone in their manner of living, but also in their belief systems and the social structure prevalent among the rural communities. Participating in a distinct sub-culture significantly influences the occurrence of Honour killings.

The involvement of Khap Panchayats in supporting such criminal activities serves as a compelling rationale for this particular viewpoint. Khap panchayats, as a collective entity, assert their own power and position themselves distinctively from the prevailing system in other domains. Khap Panchayats, operating within a village or a cluster of villages, serve as the custodians of justice, with the power to render judgements pertaining to the welfare of the village and its inhabitants. The decision made by the villages and community members carries greater significance compared to that of external authority. Within their realm, they possess the authority to enforce regulations and maintain order. Hence, as it pertains to adhering to their ideals and asserting their concept of justice, individuals may deem it morally defensible to contravene the legal norms established by the prevailing culture. Therefore, on certain occasions, individuals prioritise their own cultural norms over the prevailing national norms. This phenomenon establishes a continuum of influence, whereby successive generations and the culture they inhabit are impacted by manifestations of ideologies and violence, resulting in the development of a distinct history characterised by sub-cultural violence.

VI. RECOMMENDATIONS-

The incidence of honour killings is predominantly underreported by both individuals and governmental entities. As previously stated, monitoring these instances poses a significant challenge. The implementation of a distinct legal framework specifically addressing honour killings will facilitate the monitoring and documentation of such incidents.

The enactment of a distinct legislation will serve to provide a comprehensive and unambiguous understanding of the crime of honour killing within the purview of law enforcement agencies.

The proposition of enacting distinct legislation in this context pertains to the acknowledgment of honour killing as a distinct criminal offence. Currently, the offence of honour killing is regarded and handled in a similar manner to murder, with the investigation and penalty procedures being identical.

According to the verdict in the case of *Baghwan Dass v. State (NCT of Delhi)*¹³, it was determined that honour killings, regardless of the motive, can be classified as instances that fall under the category of the most exceptional and extraordinary situations warranting capital penalty. The eradication of these archaic, feudal customs is imperative as they tarnish the reputation of our country. The implementation of this measure is important in order to discourage acts of egregious and uncivilised conduct. Individuals who are contemplating the act of perpetrating "honour" killings ought to be aware that they will face the consequences of capital punishment.

The significance of providing recompense to the victim, or in the event of their demise, to their family, was underscored by the Supreme Court. Numerous recommendations have been put up advocating for the establishment of distinct legislation pertaining to the act of honour killing.

a. The proposed amendment to the Evidence Act suggests shifting the burden of proof onto the accused party, primarily placing this responsibility on the khap panchayat or the family members of the victims in

¹³ (2011) 6 SCC 396

the majority of cases. The collective responsibility for honour killings will result in joint guilt and corresponding punishment.

b. To furnish a comprehensive definition of honour killing- The proposal suggests that district-level magistrates should be granted the authority to provide protection to individuals, including couples, who are at risk of honour killings, upon receiving a report of such threats.

c. To establish a dedicated law enforcement unit for the safeguarding of couples.

d. The dissemination of information through social media platforms should be employed by the government in order to increase public awareness.

There are several arguments against the implementation of a separate law specifically targeting honour killings.

The State of Jharkhand has submitted a response indicating that the individuals accused of the crime have been duly penalised. However, it is emphasised that the issue of honour killing necessitates further concerted efforts and intervention. Subsequently, the National Capital Territory (NCT) of Delhi submitted an affidavit indicating that the Delhi police does not maintain a distinct record of cases pertaining to Honour Killings. The affidavit further noted that, at the time of its submission, 11 such cases had been registered and were being handled by the District police. Additionally, it highlighted the existence of a specialised unit within the Delhi Police, responsible for addressing cases involving internal security concerns. Consequently, the affidavit argued against the necessity of establishing a separate entity specifically dedicated to handling Honour Killing cases.

There exist several arguments opposing the establishment of distinct legislation pertaining to the crime of honour killing.

a. The extant punishments prescribed by the Indian Penal Code are deemed adequate for addressing instances of honour killings.

b. The primary concern to be addressed in this context pertains to the prevailing mindset among individuals, wherein inter-caste marriages and marriages within the same gotra are considered inappropriate. Consequently, the existing laws against honour killings may not offer significant assistance.

c. Creating awareness among rural populations through education holds greater significance.

d. Holding a single group of individuals solely responsible for a crime, such as the khap panchayat in this instance, is morally incorrect.

After considering the various arguments supporting and opposing the enactment of a distinct law, it is challenging to arrive at a definitive judgement. However, it is important to acknowledge the relatively low number of documented cases in India. According to the National Crime Records Bureau (NCRB) data, a relatively small number of incidents are reported. However, upon conducting on-site visits, as certain non-governmental organisations (NGOs) do, it becomes evident that the situation is significantly worse.

In order to address the issue of tracking incidents related to honour killings, it is imperative for the government to implement specific modifications. These modifications may take the form of enacting new legislation dedicated to honour killings or making revisions to existing regulations.

VII. CONCLUSION

In conclusion, it can be asserted that honour killings constitute a harsh and distressing phenomenon prevalent in several regions across the globe, including the nation of India. The Social Learning Theory, Subculture Theory, and General Strain Theory offer a theoretical framework for comprehending the

cultural and psychological elements that lead to this abhorrent criminal behaviour. The extant legal framework in India encompasses legislative measures such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Indian Penal Code, which serve as the foundation for penalising those involved in comparable offences. Nevertheless, it might be imperative to establish a distinct legislation aimed at tackling the specific offence of honour killing, while concurrently enhancing public consciousness in order to eliminate this abhorrent act. In order to effectively address the occurrence of honour killings, it is imperative to confront the fundamental cultural, societal, and psychological aspects that contribute to the perpetration of this crime.