

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

HONOUR KILLINGS IN TAMIL NADU: A DOCTRINAL STUDY OF LEGAL RESPONSES, ENFORCEMENT GAPS AND PREVENTIVE MEASURES

AUTHORED BY - BALAJI. B

LL.M Final Year Student (Criminal Law) Crescent Law School,
B. S. Abdur Rahman Crescent Institute of Science & Technology, TN

ABSTRACT:

Honour killings remain one of the gravest violations of the constitutional rights to equality, liberty, dignity, and the right to choose a life partner in India. These crimes, which are primarily caused by inter-caste marriages and deeply ingrained caste violence, persist in Tamil Nadu in spite of constitutional protections and court action. In addition to analysing important rulings from the Supreme Court of India and the Madras High Court concerning constitutional morality and individual autonomy, this doctrinal research looks at the constitutional and legislative framework, including the Bharatiya Nyaya Sanhita, 2023. It also assesses how well the current institutional and legal measures are preventing honour-based violence and safeguarding victims. According to the report, effective prevention is still hampered by the lack of a specific statute and inadequate enforcement, even if the current legal framework has sufficient provisions for punishment. It concludes that in order to protect human rights and end honour killings in Tamil Nadu, more robust legal reforms, institutional accountability, and a rights-based strategy are necessary.

INTRODUCTION:

The Constitution of India provides equality, liberty, dignity and personal autonomy including the freedom of an individual to choose his or her life mate.¹ Honour killings undermine these constitutional values by subjecting individuals to violence for making their decisions. Mostly, these crimes are a fallout of inter-caste marriages, interfaith partnerships or social disapprovals. The Tamil Nadu case provides an important socio-legal setting where social reform efforts co-exist with enduring caste-based practices.

¹ INDIA CONST. arts. 14, 19 & 21.

This doctrinal analysis explores the constitutional provisions, statutory legislation, court decisions and enforcement issues in an effort to evaluate the legal architecture in relation to honour killings and offer revisions, if any.²

NATURE AND CONCEPT OF HONOUR KILLINGS:

Honour killing is the intentional killing of a person by family members or members of the community who believe that the victim has tarnished the reputation of the family or community by socially condemned conduct.³ These circumstances usually entail inter-caste marriages, interfaith relationships, refusal of arranged marriages, remarriage, divorce, or other exercises of personal liberty.

The term 'honour killing' is misleading since it links murder with the positive concept of honour. Therefore, courts and human rights bodies are increasingly turning to words such as "honour-based violence" or "so-called honour crimes" to emphasize that no act of violence can be justified under the pretext of honour.⁴

Unlike regular murders, honour killings are driven by social notions of caste hierarchy, family status, gender inequity and patriarchal control. Women are generally the first victims since family honour is often related to women's sexuality and their decisions about marriage. Men too, especially those belonging to the Scheduled Castes or other disadvantaged communities, can be victims when they oppose the caste-based norms of marriage.

A particular characteristic of honour killings is their communal nature typically including family members, relatives and community groups. Threats, monitoring, forced separation or intimidation may precede these crimes. Honour killings indicate a constitutional clash between societal morality and constitutional morality where equality, dignity, liberty and individual choice must prevail over discriminatory norms.⁵

Honour-based violence is also recognised as a human rights abuse under international human rights instruments. Hence, honour killings should not be seen as individual crimes but as

² Upendra Baxi, *The Future of Human Rights* 162–67 (3d ed. 2008).

³ National Human Rights Commission, *Advisory on Prevention of Honour Crimes* (2010).

⁴ U.N. Human Rights Council, *Preventing and Responding to Human Rights Violations Related to Harmful Practices* (2020).

⁵ *Navej Singh Johar v. Union of India*, (2018) 10 SCC 1

manifestations of caste discrimination, gender inequality and social control, which require comprehensive legal, institutional and social reforms.

THE HISTORICAL AND SOCIOLOGICAL BACKGROUND OF TAMIL NADU:

Tamil Nadu has traditionally been a major hub of social reform movements battling caste prejudice, religious rigidity and patriarchal traditions. E.V. The Self-Respect Movement under the Ramasamy (Periyar) championed social equality, women's rights and inter-caste marriages which led to increased awareness, education and social mobility.⁶

Notwithstanding these progressive advances, caste plays a significant influence in marriage and family ties in various sections of the State. Marriage is a fundamental institution for the maintenance of caste identity, social position and community boundaries. Some dominant caste groups regard inter-caste weddings as a danger to established systems and hence subject couples exercising their freedom of choice to social pressure, threats, harassment and violence. There have been reports of honour-based violence in districts including as Dharmapuri, Salem, Namakkal, Madurai, Sivagangai, Tirunelveli, Theni and Cuddalore, often involving Dalit men and women from dominant caste communities. Such occurrences are a manifestation of the enduring grip of caste hierarchy and patriarchal domination.⁷

At the same time, education, urbanisation and digital connectivity have led to greater social interactions across caste and religious divides. Resistance to such connections reflects the ongoing struggle between the constitutional objectives of equality and individual autonomy and the traditional caste-based societal standards.

CONSTITUTIONAL STRUCTURE:

The Constitution of India lays down the groundwork for combating honour killings by ensuring equality, liberty, dignity and personal autonomy. Such offenses are a blatant violation of constitutional values as they punish persons for enjoying their freedom of choice of life partners. The Supreme Court has always held that social practices, caste traditions and conceptions of family honour cannot override basic rights.⁸

⁶ M.S.S. Pandian, *Brahmin and Non-Brahmin: Genealogies of the Tamil Political Present* (2007).

⁷ M.N. Srinivas, *Caste in Modern India and Other Essays* (1962).

⁸ INDIA CONST. arts. 14 & 15.

Article 14 - Equality before the law:

Article 14. All persons are equal before the law and are entitled to equal protection of the law. Honour killings are an infringement to this concept since persons are targeted for their caste, religion, gender or social background, in the exercise of their constitutional right to marry. Denial of equal protection may also occur when State officials fail to offer timely protection or to conduct efficient investigations of such incidents.

Article 15 – Non-Discrimination:

Article 15 bans discrimination on the grounds of religion, ethnicity, caste, sex or place of birth. Honour-based violence originates in caste prejudice and patriarchal views that restrict individual choice in marriage. Article 15 protects social equality and further states that no one should be subjected to violence or discrimination for marrying outside their caste or tribe.

Article 19- Freedom of Expression, Movement and Association:

Article 19 preserves a number of liberties, including freedom of movement and association, that are essential for an individual to develop personal relationships and to live according to his or her own choices. Threats, social restrictions or interference by family and community groups against consenting people are a violation of fundamental basic liberties.⁹

Article 21 - Right to Life and Liberty of the Person:

Article 21 is the strongest constitutional protection against honour killings. The right to life, as interpreted by the courts, includes dignity, privacy, autonomy and freedom to choose a life partner. Honour killings violate personal liberty and the threats, intimidation, forced separation and arbitrary confinement that precede such crimes. Time and again the judiciary has found that the wishes of parents or the society cannot trump choices of competent individuals.¹⁰

Article 17 – Abolition of Untouchability:

Article 17 attempts to abolish discrimination based on caste and establish an egalitarian society. Many honour killings are based on caste-based opposition to marriages, especially involving Scheduled Castes. Such acts are against the constitutional objectives. Wherever relevant, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 may also be

⁹ INDIA CONST. art. 19(1)(a), (d) & (e).

¹⁰ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

applicable.¹¹

LEGAL FRAMEWORK UNDER STATUTE:

At present, India has no exclusive law to deal with honour killings.¹² Hence, such acts are tried under general criminal laws relating to murder, conspiracy, abetment, kidnapping, illegal imprisonment, intimidation and allied offences. The rules give a basis for punishment but do not completely recognise the communal, societal and organised nature of honour-based crimes. The Indian Penal Code was replaced by the Bharatiya Nyaya Sanhita, 2023 (BNS) as the principal criminal legislation controlling honour killings.¹³ The provisions in respect of murder, culpable homicide, criminal conspiracy, abetment, kidnapping, criminal intimidation, destruction of evidence and common intention make it possible to prosecute not only the direct perpetrators but also the others involved in the planning or supporting of the crime. Since honour killings are sometimes committed by more than one person, the clauses on conspiracy and common culpability are very significant.

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) lays down the method for criminal investigation and trial, including registration of FIRs, arrest, investigation, witness protection and trial proceedings. Effective implementation is necessary, as honour crimes are often preceded by threats, harassment, unlawful imprisonment and intimidation. Delay in police action may increase vulnerability of the victims.¹⁴

The Bharatiya Sakshya Adhiniyam, 2023 improves the evidential framework through the recognition of electronic evidence like as mobile phone records, digital communications, CCTV footage and social media interactions. This evidence is critical for showing prior threats, conspiracy, and involvement of several defendants.¹⁵

The Special Marriage Act, 1954 safeguards the rights of consenting people to marry without regard to caste or religion. But it does not provide sufficient preventative safeguards for couples faced with dangers from relatives or communities. Similarly, the Scheduled Castes and

¹¹ INDIA CONST. art. 17; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33 of 1989.

¹² Law Commission of India, 242nd Report: Prevention of Interference with the Freedom of Matrimonial Alliances (in the Name of Honour and Tradition) (2012).

¹³ Bharatiya Nyaya Sanhita, No. 45 of 2023.

¹⁴ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023.

¹⁵ Bharatiya Sakshya Adhiniyam, No. 47 of 2023.

Scheduled Tribes (Prevention of Atrocities) Act, 1989 is important in cases of caste-based honour violence by providing higher penalty, special tribunals, compensation and protective measures.¹⁶

Other relevant laws include the Protection of Women from Domestic Violence Act, 2005 which addresses abuse and threats which often precede honour crimes, the Prohibition of Child Marriage Act, 2006 which prevents forced marriages and the Protection of Human Rights Act, 1993 which allows human rights commissions to investigate violations.

242nd Report of Law Commission of India (2012) recognized honour killings as organized crimes and recommended for a separate law to prevent interference with matrimonial choices, proscribe unlawful activities of caste panchayats, provide protection to vulnerable couples and prescribe enhanced punishment. While there has been no passing of a formal statute on honour crimes, these proposals continue to inform judicial thinking and policy discussions.¹⁷

JUDICIAL RESPONSE:

The Indian judiciary has been playing a formidable role in protecting the constitutional rights of citizens against honour-based violence. In the lack of a particular regulation banning honour killings, the Supreme Court and several High Courts have liberally interpreted constitutional provisions to preserve freedom of consenting people to choose life partners. Judicial pronouncements have reiterated the fact that the family honour or caste traditions and community norms cannot outweigh the fundamental rights provided by the Constitution. The Court instructed State Governments to take stringent action against anyone arranging illegal caste meetings, arrest persons implicated in honour killings and give adequate police protection to threatened couples. The decision reaffirmed the rule of law, which is that the constitutional order must trump social institutions that are extra-constitutional.

Shakti Vahini v. Union of India, (2018) 7 SCC 192.¹⁸

The judgment in *Shakti Vahini v. Union of India* is the most comprehensive legal reaction to honour killings. The Supreme Court has recognised honour killings as gross violations of

¹⁶ Special Marriage Act, No. 43 of 1954.

¹⁷ Law Commission of India, 242nd Report: Prevention of Interference with the Freedom of Matrimonial Alliances (in the Name of Honour and Tradition) (2012).

¹⁸ *Shakti Vahini v. Union of India*, (2018) 7 SCC 192.

Articles 14, 19 and 21 of the Constitution, and stated that the choice of a life partner is an integral part of individual dignity and liberty.¹⁹

The court has provided extensive preventive, corrective and punitive instructions until a separate law is enacted by Parliament on honour killings.

The preventive measures are as follows:

Identification of sensitive neighbourhoods to honour crime, Setting up of special police cells, Surveillance of illegal caste meetings, Development of safe residences for threatened couples, Preventive measure under the law of criminal procedure.

The corrective actions are:

Registration of FIRs on priority, Fast police protection, Psychological and medical help, Safe relocation where required.

The sanctions demand:

Action by department against incompetent police officers, Fast question, Fast-track trials for honour killing cases.

The ruling in *Shakti Vahini* went a long way in strengthening the constitutional obligation of the State to prevent honour crimes rather than merely prosecuting offenders after a crime had taken place.

SITUATION IN TAMIL NADU:

Tamil Nadu has a special place in the debate over honour killings. Honour-based violence is still taking place in numerous areas, despite a long history of social justice campaigns and anti-caste legislation. Incidents such as this expose the continuance of caste hierarchy and patriarchal views especially in the setting of marriage and family honour.

Most of the recorded cases of honour killings are of inter-caste marriages when one of the spouses belongs to a Scheduled Caste and the other belongs to a dominant caste community. Prior to the actual commission of the crime, the victims are threatened, illegally detained, physically assaulted and socially boycotted.

¹⁹ *Lata Singh v. State of Uttar Pradesh*, (2006) 5 SCC 475.

Such incidences were reported from several districts like Dharmapuri, Salem, Namakkal, Tiruppur, Madurai, Tirunelveli, Sivagangai, Theni and Cuddalore.

Ilavarasan vs. Divya Case:

One of the most talked honour-related instances in Tamil Nadu was the marriage of Ilavarasan, a Dalit youth, and Divya, a woman from a dominant caste. Their marriage was seen as a challenge to the caste system and caused societal friction.

After the marriage, Dalit settlements were destroyed, there was community rioting and Ilavarasan died later under questionable circumstances. The case drew national attention and exposed the danger of inter-caste relationships in spite of constitutional assurances and legal protection.

A survey of recorded instances in Tamil Nadu finds several common features:

Resistance to inter-caste marriages, Participation of parents and extended family, Involvement of community organisations, Harassment, and threats before marriage, Delay in police action, Efforts to delete evidence, Witness harassment.

These similarities suggest that honour killings are not individual acts of personal violence but organised crimes, embedded in caste discrimination and patriarchal domination.

ENFORCEMENT CHALLENGES:

Despite constitutional safeguards and progressive judicial decisions, honour killings occur due to poor enforcement. The current criminal justice system has a number of structural and institutional problems.

No particular law:

India does not have a dedicated legislation specifically dealing with honour killings. Consequently, prosecutions are brought under broad criminal provisions of murder and conspiracy. These rules punish criminals after the commission of a crime, but do not sufficiently take into account preventative actions and the collective aspect of honour-based violence.

Slow Police Response:

Many honour killings are preceded by numerous complaints by threatened spouses requesting police protection. But often such grievances are treated as private family matters. Delay in registration of FIR and giving protection often leads to violence.

Influence of Caste and Community Pressures:

Local police and administrative officials may be subject to political influence, caste pressure or social intimidation. These problems often hinder investigation, prosecution and witness protection and hence undermine public faith in the criminal justice system.

Intimidating a Witness:

Witnesses to honour killings are often family, neighbours or members of the same community. Fear of reprisal, social boycott and economic pressure sometimes dissuades them to give accurate evidence and affects conviction rates.

Weak institutional coordination:

Effective prevention needs collaboration between police authorities, district administration, social welfare departments, legal services authorities, women's commissions and civil society organizations. Such synchronization is typically patchy in practice leading to delayed intervention.

Under-reporting of honour crimes:

In several honour killings, victims are made to look like suicides, accidental deaths or missing persons. The true scale of honour-based violence is impossible to measure as social stigma and fear stops families and communities from reporting such instances.

Persistence in Social Approval:

“The biggest challenge is the continued acceptance of caste hierarchy and patriarchal norms by sections of society. Criminal law alone cannot abolish honour killings unless it is backed by consistent efforts to promote constitutional values, gender equality and socioeconomic reform.

PREVENTION:

Law enforcement, government agencies, educational institutions and civil society have to work in tandem to prevent honour killings. District level protection cells, risk assessment processes and safe-houses should be set up to provide prompt help to threatened couples. Public awareness initiatives should be aimed at promoting constitutional ideals, equality, gender justice and anti-caste ideas. Police, prosecutors and judicial staff need frequent training on honour crimes and victim protection. Effective witness protection, therapy, legal aid and rehabilitation are required to guarantee the safety of victims, successful prosecution and long-

term social reintegration.

RECOMMENDATIONS AND CHANGES:

The existing framework to combat the honour killings needs a complete legislative, institutional and social overhaul. The main recommendation is to enact a separate Honour Crimes Prevention Act which would, in particular, define honour-based violence, criminalise unlawful interference with the choices of consenting adults, recognise the collective responsibility of family and community members and set up protective preventive mechanisms. Effective implementation of the Supreme Court directions in *Shakti Vahini v. Union of India*, through district level monitoring committees, special protection cells and prompt police response systems is needed. Such instances should be investigated by specialised investigation units skilled in caste-based violence and honour crimes to ensure fair investigation. There should be fast-track courts for swift trials, to prevent tampering of evidence and to bolster the faith of the public in the justice system.

Government plans for inter-caste marriages in the country should be strengthened with financial help, legal aid, housing help and rehabilitative measures. Educational institutions, local government, civil society organisations and social leaders should be involved in community involvement to promote constitutional principles and counter caste and patriarchal views. Confidential helplines and online reporting systems are some of the technology-based procedures that need also be developed to offer prompt support to threatened persons.

CONCLUSION:

Honor killings are a grave violation of constitutional democracy based on the caste structure, patriarchal rule and discriminatory social practices. These offenses are violative of the fundamental rights to equality, dignity, liberty, privacy and life guaranteed under the Constitution of India. While constitutional protections, statutory legislation and judicial decisions provide a high level of protection, the total elimination of honour-based violence is nevertheless hindered by ineffective implementation, weak preventive methods and a lack of responsibility.

The judiciary has often held that a person's choice of a partner and his or her autonomy cannot be fettered by notions of caste identity, family honour or communal expectations. But again

and again occurrences show that there is a need for tougher enforcement, witness protection, victim rehabilitation and preventive action.

What is needed is a comprehensive legislative framework that combines criminal accountability, protection measures, societal awareness and institutional responsibility. Violence can't justify honour in the end. A just, free, equal and fraternal society can be built only via strengthening constitutional morality, promoting equality, ending caste discrimination and respecting individual choice.

