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# HONOR KILLING OR PREJUDICE? UNMASKING THE REAL THREAT

AUTHORED BY - BHAGVATI MAHENDRABHAI VASAVA & SIYA GUPTA



## **I. Introduction: When Pride Demands a Woman's Life**

From ancient times to the present day, women have been killed in the name of *honor*—a term often used to justify the most inhumane acts. Societies have long held the dangerous perception that a family's pride rests on the shoulders of its women. But what exactly is this *pride*? In truth, it is nothing more than the fragile ego of a patriarchal mindset—masked as morality.

Why is it that only a woman's choices, relationships, or autonomy are seen as capable of staining family honor? Why must her existence constantly resonate with shame or pride, while men remain untouched by the same standards? If this so-called honor demands blood—demands that a daughter, a sister, or a wife be silenced forever—then we must ask: *Is this pride truly worth the cost of a human life?*

In a society that claims to have progressed into the 21st century, honor killings remain a haunting reminder that we still weigh tradition above justice—and control above compassion.

## II. What is Honor Killing?

Honor killing is when a family—usually the relatives—murder one of their own, most often a woman or girl, just because they believe she has brought “shame” or “dishonor” to the family. But what do they call dishonor? Things like choosing her own partner, marrying outside her caste or religion, refusing an arranged marriage, asking for a divorce, being in a relationship—or even being a victim of sexual assault.

It has nothing to do with justice or law. It's driven by **patriarchal thinking and toxic cultural beliefs** that tie a family's so-called reputation to a woman's choices.

Let's be honest—there's **nothing honorable** about such violence. It's not pride. It's **prejudice**, control, and deeply rooted gender inequality. And it's time we stop pretending otherwise.

## III. Pride? Or Just Prejudice?

What kind of pride is this that survives only by controlling someone else's choices? How can something called “honor” have the power to kill—just because a daughter chose to love, or a son dared to decide for himself?

If pride comes at the cost of someone's freedom, someone's life—then maybe it's not pride at all. Maybe it's just deeply rooted **prejudice**, dressed up as tradition.

Real pride shouldn't be about silencing people to protect an image. It should be about **accepting, supporting, and celebrating individuality**—not punishing it.

#### IV. Legal Aspects: Honor Killing and Indian Law

In India, there is no separate law that specifically defines or punishes "honor killing". But that doesn't mean the law turns a blind eye to it. These crimes are tried under existing provisions of **criminal law and constitutional protections**, and in many cases, the judiciary has stepped in with strong observations to uphold justice.

##### 1. Bharatiya Nyaya Sanhita, 2023 (formerly Indian Penal Code, 1860)<sup>1</sup>

Even though "honor killing" isn't a separate offence, it falls under several serious criminal charges under the **Bharatiya Nyaya Sanhita (BNS)**:

- **Section 103 (BNS) – Murder**  
This is the main section used in honor killing cases. Murder, regardless of motive, is punishable with **life imprisonment or death** and a **fine**.  
(Earlier IPC Section 302)
- **Section 75 (BNS) – Culpable Homicide not amounting to Murder**  
In cases where the intent to kill may not be directly proven but results in death due to unlawful acts, this section is invoked. The punishment varies depending on the nature and degree of culpability.
- **Section 34 (BNS) – Common Intention**  
Often, honor killings are not committed by one person alone. This section ensures that **every person involved**, even indirectly, is held accountable when the crime is done in furtherance of a common plan.
- **Section 120B – Criminal Conspiracy**  
When family members or community leaders plan and execute the killing together, it's tried as a conspiracy. This adds to the gravity of the punishment.
- **Section 109 – Abetment of Offence**  
If someone doesn't directly kill but **encourages, instigates, or assists**, they are punished as an abettor—even if they didn't carry out the murder themselves.
- **Sections 147–149 – Unlawful Assembly and Rioting**  
In many honor killing cases, especially those influenced by **Khap Panchayats**, there is a mob element. These sections penalize violence committed.

<sup>1</sup> [https://prsindia.org/files/billtrack/Bharatiya\\_Nyaya\\_Sanhita\\_2023.pdf](https://prsindia.org/files/billtrack/Bharatiya_Nyaya_Sanhita_2023.pdf)

## 2. The Constitution of India: Fundamental Rights Violated by Honor Killings<sup>2</sup>

Honor killings don't just break criminal laws—they violate **core constitutional values** and **fundamental rights** of individuals:

- **Article 14 – Right to Equality Before the Law**  
Everyone is equal in the eyes of the law, and no one can be punished for exercising personal freedom—especially not women and couples marrying by choice.
- **Article 15 – Prohibition of Discrimination**  
Honor killings are often rooted in **caste, religion, or gender bias**. Killing someone because they married outside caste or religion is a **direct violation** of this Article.
- **Article 21 – Right to Life and Personal Liberty**  
The most critical right—no one can be deprived of life except by due process. When a family takes law into their own hands to “punish” someone, they're not only committing murder—they're **attacking the heart of constitutional liberty**.
- **Article 19(1)(a) – Freedom of Expression**  
Choosing whom to love, whom to marry, or how to live is a part of **individual expression**. Silencing that through violence is an attack on free will.
- **Article 19(1)(e) – Freedom to Reside and Settle Anywhere in India**  
In many cases, inter-caste or interfaith couples are chased from their homes, villages, or cities. Threats to their freedom of movement are **unconstitutional**.

### V. Is Real Equality Happening?

On paper, yes—we have Article 14 and Article 15 of the Constitution that promise equality and prohibit discrimination. But when I look around, I can't help but ask—*is that equality really happening in our day-to-day lives?*

Even today, a woman's freedom to choose who she loves, who she marries, or what career she wants is still questioned. It's as if our choices need society's approval to be valid.

And it's not the same for everyone—caste, class, and gender all overlap, and women from marginalized communities face even more discrimination and danger. Interfaith and inter-caste couples, especially, continue to face threats, violence, and even death in the name of “honor.”

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<sup>2</sup> <https://legislative.gov.in/constitution-of-india>

## VI. Cases laws:

- **Recent Cases That Shake Our Conscience**

Radhika Yadav case<sup>3</sup>:

On July 10, 2025, something unthinkable happened in Gurugram something that shook me deeply. Radhika Yadav, just 25 years old, a talented state-level tennis player and coach, was shot dead. Not by a stranger. Not by an outsider. But by her own father. And not in a deserted alley or during some dispute but in her own kitchen, while she was preparing breakfast for her mother's birthday. A day that should have begun with warmth, ended in cold silence and blood. The police investigation later revealed that the relationship between Radhika and her father, Deepak Yadav, had been strained for a while. Radhika had built a name for herself she wasn't just coaching at a tennis academy; she was earning well, standing on her own feet, and living with pride. But somehow, that same pride her independence, her success became unbearable for her father. Neighbours had apparently mocked him, questioned his masculinity, and made cruel remarks about "living off his daughter's money." And like in many so-called 'honour' cases, whispers about Radhika's character began to circulate too.

Radhika refused to shut down her academy, despite her father's repeated demands. That decision that simple act of saying *no* was apparently enough for Deepak to plan her murder. On the morning of July 10, he sent Radhika's younger brother out on an errand, which now appears to have been a deliberate move to clear the way. Then, he went into the kitchen and fired four bullets at his own daughter. Three hit her back, one hit her shoulder. She died instantly.

The police recovered a licensed revolver, four empty cartridges, and arrested Deepak soon after. In custody, he admitted what he had done. Not out of rage. Not in the heat of the moment. But because he felt "humiliated by society." Because people talked. Because his ego couldn't handle his daughter's freedom.

Radhika's friend, Himaanshika, later released a heartbreaking video where she said Radhika had been suffocating under her parents' restrictions for a long time. That the murder wasn't sudden—it was planned. But the police have made it clear that her statement, although powerful, won't be part of the official charge sheet.

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<sup>3</sup> ["She Was Single, Focused On Tennis": Radhika Yadav's Friend Trashes Buzz](#)

Right now, Deepak Yadav is in 14-day judicial custody, and the police have called this an “open and shut case.” They have the confession, the weapon, and forensic evidence. But somehow, justice doesn’t feel that simple.

Because Radhika’s story is not just about one girl or one crime. It’s about everything that’s wrong with this mindset that still exists *even in cities, even among so-called educated families* where a daughter’s success is seen as rebellion, and her independence becomes a threat. Radhika was not killed because she did something wrong. She was killed because she dared to live on her own terms.

And that’s what hurts the most.

### **Aayushi Chaudhary: India woman who became victim of ‘suitcase murder’ (2022)<sup>4</sup>**

Aayushi’s body - wrapped in plastic and stuffed in a red suitcase - was found on Friday near Mathura city in the northern Indian state of Uttar Pradesh.

Police have arrested her parents, Nitesh Kumar Yadav and Brajbala, in connection with the murder, which is being treated as a case of suspected “honour killing”.

Police officials told BBC Hindi that this had caused a rift between the woman and her parents, leading to frequent arguments.

They allege that on the day of the murder, Aayushi had gone out without informing anyone at home and that her father was furious when she returned.

A post-mortem has revealed injury marks on her head, face and other body parts, police said, adding that she died after being “shot twice in the chest”.

### **1. Judicial Recognition and Intervention:**

#### **1. Shakti Vahini v. Union of India (2018): A Turning Point Against Honour Killings<sup>5</sup>**

One of the most powerful judgments I came across while researching the issue of honour killings is the 2018 case of Shakti Vahini v. Union of India & Others. This landmark verdict by the Supreme Court of India has had a profound impact on how our legal system looks at the

<sup>4</sup> Article by BBC: [Aayushi Chaudhary: India woman who became victim of ‘suitcase murder’](#)

<sup>5</sup> [69.-Shakti Vahini vs Union of India UOI and Ors. 270320SC20182703181639515COM562832\[1\].pdf](#)

freedom to marry and the oppressive role of khap panchayats and social orthodoxy in controlling personal choices.

The case was actually triggered by a PIL filed by an NGO called Shakti Vahini, which had been commissioned by the National Commission for Women to study honour killings in states like Haryana, Punjab, and Western Uttar Pradesh. The findings were disturbing young couples being harassed, killed, or forced to separate just because they chose to marry against their family or community's wishes. So, the NGO decided to knock on the doors of the Supreme Court under \*Article 32 of the Constitution\*, asking for protection for such couples and preventive steps to curb this kind of violence.

At the heart of this case was a very basic but powerful question:

Can any khap panchayat, community, or family dictate or punish someone's decision to marry the person they love especially if both are consenting adults?

And the answer the Supreme Court gave was a firm, unwavering NO.

Headed by Chief Justice Dipak Misra, along with Justices A.M. Khanwilkar and D.Y. Chandrachud, the bench beautifully upheld that the \*\*right to choose one's life partner is part of the fundamental right to life and personal liberty under Article 21. The Court reminded everyone families, society, khaps, and even the police that assertion of choice is an inseparable facet of liberty and dignity.”

One thing that struck me about this judgment was how powerfully the Court spoke against the idea of honour as a justification for crime. They called it what it really is collective cruelty, and even likened it to vigilante justice. It was heart-wrenching and powerful when the Court said that honour killing “guillotines individual liberty”, making it absolutely clear that no tradition or community diktat can override the Constitution.

What I really appreciated was that this judgment wasn't just high on principles it also laid out concrete steps to address the issue in real life. The Court gave a detailed three-pronged approach: preventive, remedial, and punitive.

Preventive: State governments were asked to identify vulnerable districts, issue SOPs to police,

and immediately intervene if any khap panchayat gathering is suspected. Police presence, video recordings, and prior warnings were made mandatory.

Remedial: If a couple is threatened, the police must register an FIR immediately, provide police protection, and if needed, relocate the couple to a safe house. The Court even directed that safe houses must be built in every district.

Punitive: If any officer fails to act, it would be treated as deliberate misconduct, and strict departmental action would follow — to be completed within six months.

The judgment not only dealt with the law but also reflected a vision for a more humane and progressive society. It condemned the feudal mindset that still prevails in parts of India and reaffirmed that love and choice are not crimes.

#### Why this Case Matters

As someone deeply interested in social justice and constitutional values, this case made me reflect on how important it is for the law to stand with individuals, especially when they are vulnerable and isolated. Honour killings are not just personal tragedies — they are a \*denial of dignity, agency, and constitutional rights.

This case has become a guiding precedent in later judgments where couples face threats from their families or communities. It reminded the police and administration that silence or inaction isn't just passive — it's enabling the crime.

#### 2. **Bhagwan Dass v. State (NCT of Delhi), 2011** – A Stark Reminder of Misused Notions of “Honour”<sup>6</sup>

This case is one of the most disturbing yet important judgments I've studied. In *Bhagwan Dass v. State (NCT of Delhi)*, the Supreme Court of India dealt with a tragic instance where a father took the life of his own daughter, all in the name of so-called "honour."

The facts were deeply unsettling. The victim had been living separately from her husband due to personal issues and had entered into a relationship with her maternal uncle. This relationship

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<sup>6</sup> <https://indiankanoon.org/doc/30554/>

was seen as socially unacceptable by her family, especially her father. Unable to accept her personal choice, he called her home under the pretext of reconciliation, only to strangle her to death using an electric wire. Later, he falsely claimed that she had died by suicide.

However, during the investigation, his statements were found to be inconsistent. The postmortem report and other circumstantial evidence confirmed it was a case of deliberate and planned murder. He was convicted under Section 302 of the Indian Penal Code, and the case reached the Supreme Court on appeal.

The Supreme Court upheld his conviction and awarded life imprisonment. The bench, comprising Justice Markandey Katju and Justice Gyan Sudha Misra, strongly condemned the act and delivered a powerful message: that such crimes are not just unlawful, but a serious threat to the fundamental rights and dignity of individuals.

The Court firmly stated: “There is nothing honourable in honour killings, and they are nothing but barbaric and brutal murders by bigoted persons with feudal minds.” It also clarified that no one has the right — not a parent, sibling, or any member of society — to impose control over another adult’s personal decisions. The right to choose one’s life partner is protected under Article 21 of the Constitution, and any violence to suppress that right is completely unconstitutional.

#### Why This Judgment Matters

The Bhagwan Dass ruling goes beyond punishing an individual for a crime. It challenges the mindset that personal freedom can be sacrificed to maintain societal image. The Court’s observations helped build a stronger constitutional narrative around personal liberty, dignity, and autonomy.

This case, along with later judgments like *Shakti Vahini v. Union of India* and *Manoj–Babli* honour killing case, reflects how the Indian judiciary has gradually taken a stronger stance against violence justified in the name of tradition or social approval.

As a law student, I believe judgments like these are essential not only for understanding the legal position on honour killings but also for realising how the Constitution protects individual rights against social pressures. It reminds us that justice must always stand on the side of dignity

and choice\* — even when society resists.

### Manoj–Babli Honour Killing Case: A Landmark Judgment Against Social Tyranny<sup>7</sup>

The Manoj–Babli case is one of those rare but powerful moments where the law stood firmly against deeply rooted societal oppression. It shook not only Haryana but the entire country's conscience. In June 2007, Manoj and Babli, a young couple in love, were murdered by Babli's own family — simply because they chose to marry against community norms. Both belonged to the Banwala gotra of the Jat community, and because they were considered part of the same lineage, their marriage was condemned as unacceptable by a khap panchayat — a traditional, extra-constitutional caste council.

The khap, led by Babli's grandfather Gangaraj, declared their marriage void, citing customary beliefs that treated same-gotra unions as incestuous. But the couple remained firm in their decision and got married. What followed was horrifying — Babli's family members abducted the couple, murdered them, and threw their bodies into a canal. It wasn't just a crime of passion; it was a calculated killing, sanctioned by a community body that believed it had the power to override the law.

Despite immense pressure, Manoj's family — especially his mother — chose to fight. They faced resistance not just from the village but from local police as well. In court, it was revealed that law enforcement hesitated to arrest the accused due to fear of disturbing public order, showing how deeply khap influence had penetrated official machinery.

Yet, justice was delivered. In 2010, a sessions court in Karnal passed a historic verdict — five of Babli's relatives were sentenced to death, and Gangaraj was sentenced to life imprisonment for ordering the killings. This was the first case in India where capital punishment was awarded in an honour killing, setting a strong legal precedent. The driver who helped in the abduction was also convicted.

The judgment was a defining moment. It sent a powerful message: no community, no tradition, and no local custom can override the Indian Constitution. A person's right to choose their partner is a fundamental right under Article 21, and any attempt to take that away — especially

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<sup>7</sup> <https://www.indiatoday.in/india/north/story/manoj-babli-honour-killing-case-khap-panchayat-138074-2011-07-21>

through violence — will be met with the full force of the law.

Following public outrage and legal activism around the case, the central government even considered amending the IPC to classify honour killings as a separate offence. Although the amendment did not materialize in the immediate years, the Manoj–Babli case remains a watershed moment in the legal fight against honour-based violence in India.

It stands as a grim reminder of how far communities may go to protect a misguided sense of honour — but it also serves as a strong example of how legal systems can challenge and eventually dismantle such social evils.

### VII. So, Where Do We Stand Legally?

Even though there isn't a *specific Act* for honor killings, the **existing criminal law and constitutional safeguards** are strong enough to punish these heinous crimes. The problem lies more in **implementation, police apathy, and deep-rooted societal prejudice** than in the law itself.

There's also an ongoing demand for a **separate legislation** to define and criminalize honor killing distinctly, so that such crimes are treated with the **urgency and seriousness they deserve**, instead of being diluted under generic provisions.

### VIII. Law Commission's Recommendations:

Back in 2012, the **Law Commission of India**<sup>8</sup>, in its **242nd Report**, took a strong stand against honour killings. It recommended a **special law** to directly tackle these crimes and the toxic mindset behind them. The idea was simple yet powerful—**any assembly, like khap panchayats or community groups, that tries to interfere with someone's choice of marriage should be treated as unlawful.**

The Commission proposed strict punishments, including **life imprisonment**, and stressed on the need for **fast-track trials and protection for couples** who choose to marry against societal norms. It even drafted a bill—**The Prohibition of Interference with the Freedom of Matrimonial Alliances Bill, 2011**—to turn this into reality.

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<sup>8</sup> : <https://lawcommissionofindia.nic.in/reports/report242.pdf>

But sadly, the bill still remains **unpassed**, sitting in silence while lives like Radhika's are lost in the name of so-called honour.

### **IX. For Pride? Really?**

Is pride about blindly following the outdated rules society made ages ago? If so, then what we're calling *honor* today is nothing but a mask for cruelty. **Honor killing is proof that many people are still living like animals—driven by ego, not evolved by thought.** Just because someone has a human body doesn't mean they've understood what it means to *be* human.

**Real pride is living with humanity—compassion, reason, and dignity.** Women discovering their full potential, making their own choices, thinking rationally, standing tall with self-respect—that is pride. Their very existence, their courage to live freely, is what brings honor—not something to be punished or silenced.

Killing a woman in the name of pride isn't culture—it's cowardice.

### **X. Conclusion**

Honour killing is not just a crime — it is a brutal rejection of individual freedom, dignity, and the very spirit of constitutional morality. When a family or community takes it upon itself to punish someone for choosing love, marriage, or autonomy, it doesn't protect honour — it destroys humanity. The term "honour killing" itself is a dangerous misnomer. There is no honour in violence, and no tradition can justify the taking of a life.

In a democratic nation governed by the rule of law, no community decree, caste panchayat, or social pressure can override the fundamental rights guaranteed under the Constitution. Article 21 protects the right to life and personal liberty — and that includes the freedom to choose one's partner. The judiciary, through cases like Manoj–Babli, Shakti Vahini, and Bhagwan Dass, has sent a clear message: honour killings are not acts of cultural defense, but crimes deserving the harshest punishment.

Yet, legal action alone is not enough. What India truly needs is social reform and moral courage — to educate, to question regressive customs, and to stand by those who dare to choose differently. True honour lies in acceptance, in respecting autonomy, and in upholding the values

of equality and justice.

Until families stop treating love as rebellion, and communities stop treating women and young people as property, we cannot claim to be a just society. The fight against honour killing is, at its heart, a fight for freedom, constitutional values, and the right to live without fear.

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