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HONOUR KILLING IN TAMILNADU

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ABSTRACT

Honour killing is considered as a heinous crime in the state. The main objective of my paper is to state the history and contemporary issue related to the Honour killing in Tamilnadu and how the current state government is taking measures to eradicate honour killing in Tamilnadu. There is no separate legislation or act for honour killing and there is no separate punishment as well. Punishment for honour killing comes under only IPC, Prevention of Atrocities Act and Protection for women Domestic Violence Act 2005. The question arises here, why there is no separate legislation or act to prevent honour killing in the state. Many data mention that still there are honour killing cases occurring around the state. With the help of many articles I interpreted in my paper about honour killings in Tamilnadu. Tamilnadu is still in the picture of honour killing and it does not look like it has reduced. Many leaders in Tamilnadu protested against honour killing but still there are honour killing cases happening in the State. To conclude honour killing is considered as a pride and upper caste people considered as an achievement in their communities. When people's mindset changes and when there is a proper legislation brought to eradicate honour killing then there will be a decrease in honour killing cases.

Keywords: Honour killing, Tamilnadu, IPC, lower caste and upper caste

INTRODUCTION

The word honor derives from the Latin word for respect, esteem, and rank. Societies have long valued honor, which is guarded even at the price of one's life. The regulation of public behavior in accordance with the social norm results in honor, which serves as a group quality (Gorringe 2016; 256)¹. Caste endogamy, Gothra, and territorial exogamy are observed in Indian society, and breaking one of these restrictions regarding marriage is seen as a defiling of caste and familial honour. Honour killings are typically considered North Indian phenomena, although they are increasingly becoming more common in South Indian states like Andhra Pradesh and Tamil Nadu. However, the marriage laws in southern India are very similar to those in northern India. Tamil Nadu does not follow the Gothra exogamy custom,² which forbids unions between people who share the same Dissent (Saint/Rishi). Tamil Nadu also does not adhere to the Sapinda rule, which forbids marriages involving eight generations on the mother's side and five generations on the father's. Exogamy laws that forbid marriage inside a single village, known as territorial or village exogamy, are also overlooked. Cross-cousins are permitted to marry one another in Tamil Nadu under a practice known as joyous marriage or preferential marriage. This essay examines the connections between kinship, matrimonial laws, and Tamil Nadu's sociopolitical and economic features concerning honour and power.

CASTE, HONOUR, AND GENDER

The caste system of stratification in India is established and sustained by caste endogamy. Also, caste endogamy ensures a community maintains control over its financial resources. Furthermore, any deviation from the established matrimonial laws will change the caste system and the ties between the various groups. It may also change the caste- and kinship-based support structures for livelihood and production (Chowdhry, 2010;)³

There is no room for individual liberty in dating or experiencing feelings of love in this complex web of social and economic relationships. Because of this, kinship and marriage laws are fundamental in the Hindu caste system. Women's bodies act as "containers" of the group's honor because they are "responsible" for reproduction, while men act as "guardians." Women are under their father's

¹ <https://www.researchgate.net/scientific-contributions/Tim-Gorringe-2026833931>

² <https://www.yourarticlelibrary.com/marriage/selection-of-spouse-among-the-hindus/47460>

³ [https://www.scirp.org/\(S\(351jmbntvnsjt1aadkposzje\)\)/reference/referencespapers.aspx?referenceid=1927521](https://www.scirp.org/(S(351jmbntvnsjt1aadkposzje))/reference/referencespapers.aspx?referenceid=1927521)

guardianship until they reach marriageable age, after which they are "passed on" to their husbands. Cultural standards are enforced as codes of conduct (behavior) of women in their private and public lives by men's authority over them. Cultural standards are informed by familial, caste, and community norms. A breach in male guardianship and matrimonial laws is seen to have violated community and family honor, which is restored by killing the parties to such contentious unions. This act of murder to protect the perceived community and family honor is widely recognized as honor killing. Love marriages are perceived as female assertions of independence threatening the structures of patriarchy. As long as the newlyweds are from the same caste and class, the community may not object to love marriages, despite what some families may think.

However, intercaste marriages are considered a threat to the social fabric of Hindu caste society and are vehemently condemned. Marriages between different castes upset both the social and familial hierarchies of society. Due to the rise of concepts like liberty, participatory democracy, and equitable development, caste endogamy has recently been breached more frequently. Lower caste groups and women contest caste norms, traditional authorities, kinship, and the idea of honor due to greater access to education and financial resources. Additionally, they use nontraditional power sources like the court system and other political and constitutional structures (Chowdhry, 2010; 12).⁴ Individuals who challenge marriage prohibitions are against a community that is frequently more strong and combative. Intercaste couples are either murdered by their parents or through the interventions of caste panchayat. Caste Panchayats are a group that enforces regressive caste and gender norms to uphold social stratification and hierarchy. Elders from the dominant caste in the area hold positions on this extrajudicial, unconstitutional council.

HONOUR KILLINGS AS A WHOLE IN INDIA

Despite being illegal in India, honour killings are still prevalent, with an estimated of nearly 1000 cases reported annually.⁵ According to the National Crime Bureau 2020 statistics, there were nearly 25 cases reported regarding honour killing cases in India.⁶ However, this number is likely

⁴ Zhang, Y., Chowdhury, P., Tornatore, M., & Mukherjee, B. (2010). Energy efficiency in telecom optical networks. *IEEE Communications Surveys & Tutorials*, 12(4), 441-458.

⁵[http://hbv-awareness.com/india-and-pakistan-account-for-2000-honour-killings-every-year/#:~:text=Honour%20killing%20is%20the%20murder,Based%20Violence%20Awareness%20\(HBVA\).](http://hbv-awareness.com/india-and-pakistan-account-for-2000-honour-killings-every-year/#:~:text=Honour%20killing%20is%20the%20murder,Based%20Violence%20Awareness%20(HBVA).)

⁶<https://www.herzindagi.com/society-culture/aayushi-chaudhary-honour-killing-case-highlights-the-horrors-of-castiest-patriarchy-article-214593>

underestimated, as many cases go unreported due to fear of retaliation or social stigma. Nearly 145 cases were reported between 2017 to 2019 in India.⁷

The Indian government has taken steps to address the problem of honour killings, including passing legislation to prevent and punish the practice. In 2010, the Protection of Women from Domestic Violence Act⁸ was passed, which includes provisions to prevent and punish honour killings. Additionally, the Supreme Court of India has issued directives to state governments to take action to prevent and investigate honour killings.

However, the problem persists due to a lack of effective implementation of laws, social attitudes that support the practice, and weak enforcement mechanisms. In many cases, the police and judicial system are complicit in honor killings, and families and communities often go unpunished for carrying out these heinous crimes. Addressing the issue of honour killings requires a multi-faceted approach that includes legal reforms, education and awareness campaigns, and efforts to change cultural attitudes and norms. The government must work to improve the enforcement of existing laws, and community leaders and religious figures must speak out against honour killings and promote gender equality.

Honour killings are a severe problem in India, rooted in deeply ingrained social norms and cultural practices. The Indian government must take intense action to prevent and punish these heinous crimes, and society must work to change attitudes and beliefs supporting honour killings. Only by taking a comprehensive approach can we hope to end this barbaric practice and ensure that women in India are safe from violence and discrimination.

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

Honour killings have no place in a civilized society. The Protection of Women from Domestic Violence Act (PWDVA) seeks to address this issue. The PWDVA was enacted in 2005 to protect

⁷<https://www.indiatoday.in/india/story/145-incidents-of-honour-killing-between-2017-and-2019-1839321-2021-08-10>

⁸ Sharma I. Violence against women: Where are the solutions? *Indian J Psychiatry*. 2015 Apr-Jun;57(2):131-9. doi: 10.4103/0019-5545.158133. PMID: 26124518; PMCID: PMC4462781.

women from domestic violence, including physical, sexual, verbal, emotional, and economic abuse.⁹ The Act defines domestic violence as any act or omission that harms or endangers a woman's health, safety, life, limb, or well-being, whether physical or mental. The Act also recognizes honour killings as domestic violence and protects women at risk of such violence. Under the PWDVA, a woman at risk of honour killing can seek protection by filing a complaint with the Protection Officer, who will then take appropriate steps to ensure her safety. The Protection Officer may issue a protection order prohibiting the perpetrator from committing any act of violence against the woman or entering her residence or workplace. The Protection Officer may also arrange for the woman's safe accommodation and provide her with medical and legal aid. In addition to protecting women at risk of honour killings, the PWDVA also recognizes the rights of women to live with dignity, free from violence and harassment. The Act empowers women to assert their rights and seek legal redress for any act of domestic violence, including honour killings. The Act also imposes penalties on perpetrators of domestic violence, including imprisonment and fines.

The Protection of Women from Domestic Violence Act is a significant step towards addressing the issue of honour killings in India. The Act recognizes honour killings as domestic violence and protects women at risk of such violence. The government and society need to work together to eradicate the practice of honour killings and ensure that women are treated with dignity and respect.

SCHEDULED CASTE AND SCHEDULED TRIBE (PREVENTION OF ATROCITIES), ACT 1989

To address this social evil, the Indian government has taken steps to prevent honour killings and provide justice to the victims through the implementation of the Prevention of Atrocities (SC/ST) Act.¹⁰ The Prevention of Atrocities (SC/ST) Act, also known as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is legislation enacted by the Indian Parliament to protect the rights and interests of individuals belonging to the Scheduled Castes (SC) and Scheduled Tribes (ST), who are considered historically marginalized and disadvantaged communities. The Act aims to prevent and punish offenses committed against SC/ST individuals, including honour killings, often

⁹<https://www.sconline.com/blog/post/2020/07/27/law-on-domestic-violence-protection-of-women-from-domestic-violence-act-2005/>

¹⁰ <https://thewire.in/caste/caste-honour-killings-cases-laws>

rooted in caste-based discrimination. Under the Prevention of Atrocities Act, honour killing is recognized as a severe offense, and stringent provisions have been incorporated to combat this heinous practice. The Act defines "atrocities" as offenses such as murder, assault, grievous hurt, sexual exploitation, and humiliation, among others, when committed against SC/ST individuals. It mandates special courts for the speedy trial of cases related to atrocities against SC/ST individuals. It also provides for the appointment of exclusive public prosecutors to handle such cases.

One of the key provisions of the Act is that it lays down strict liability on the accused, meaning that if the accused is found guilty of committing an offence against an SC/ST individual, the burden of proof lies on the accused to establish his/her innocence, rather than on the victim to prove the guilt of the accused. This provision helps to ensure that victims of honour killing are not further victimized or harassed during the legal process and that the accused are held accountable for their actions. The Act also establishes special cells and exclusive police stations to register and investigate complaints related to atrocities against SC/ST individuals. It also empowers the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) to monitor the implementation of the Act and take appropriate action to safeguard the rights of SC/ST individuals. Despite these progressive provisions, honour killings continue to occur in India, often due to deep-seated social prejudices and discriminatory attitudes. Many cases go unreported or are not properly investigated, and victims and their families face social ostracism, threats, and intimidation. However, the Prevention of Atrocities Act has provided a legal framework to address honour killings. It has resulted in the prosecution and conviction of perpetrators in several cases.

In recent years, there have been calls to strengthen the Prevention of Atrocities Act further to make it more effective in preventing honour killings. These calls include demands for stricter enforcement, increased awareness and sensitization among law enforcement agencies, and support and protection of victims and their families.¹¹ The government, civil society, and communities must work together to eradicate the evil practice of honour killing and ensure that justice is served to the victims in line with the principles of equality, dignity, and human rights.

¹¹ <https://clpr.org.in/blog/the-need-for-a-law-on-honour-crimes/>

HONOUR KILLINGS IN TAMILNADU

The roots of honour killings can be traced back to ancient Tamil Nadu through folklore such as Madurai Veeran. King Thirumalai Nekar of Nayaka's dynasty murdered his army chief for falling in love with a woman from the upper caste and upheld the values of Manusmriti. He later built a temple to remember his service to the kingdom, so Madurai Veeran obtained demi-god status. This folklore explains the presence of honour killings from the pre-colonial era and how such stories are repeated and maintained alive in the public awareness that makes caste endogamy traditionality and so unquestionably undeniable. Honour killings were not as common as in the states of Haryana and Uttar Pradesh in northern India. Dravidian politics profoundly influenced inter-community power dynamics and social interactions, including Tamil nationalism and the anti-caste movement. Dravidian politics campaigned for equal representation in public jobs and education and a larger share of power and resources for non-Brahmins (Gorringe, 2016; 275).¹² E. V. Ramaswamy's self-respect movement, which promoted intercaste marriages and the elimination of untouchability, was also working towards the caste system's eradication at the same time.¹³ Such initiatives, however, could not reach Tamil Nadu's rural areas. Dravidar Kazhagam's offspring political parties, including Dravida Munnetra Kazhagam and Anna Dravidar Munnetra Kazhagam, eventually abandoned its anti-caste stance. The Indian electoral system's universal adult franchise allowed the numerically more robust Other-Backward Classes to mobilize behind caste to gain economic and political power. The internal reservation secured by the Vanniyar community and the electoral success of Pattali Makkal Katchi (PMK) was achieved through such vigorous caste mobilization. Even progressive parties such as DMK and ADMK started appeasing dominant castes to secure their community vote banks by providing seats for local dominant community leader tickets to contest elections under party leadership. Other Backward Castes are mobilized through claims of distinguished past to establish a sense of pride and honour that makes them superior in their geography. They establish dominance by promoting violence targeted against lower caste communities. Their sense of honour is derived from the subordinating and humiliating of other communities below them in the social hierarchy. An increase in honour killings can be directly linked to the rise of sectarianism and caste politics. This answers one of the most critical questions of who ensures caste endogamy and punishes those who challenge it when there are no Khap Panchayats in Southern India. The local caste leader either

¹² <https://journals.sagepub.com/doi/10.1177/1206331215623216>

¹³ <https://homegrown.co.in/homegrown-explore/self-respect-movement-india-s-first-fight-for-dignity-in-1925>

murders intercaste married couples or influences parents and relatives to murder them.

In 2015 Gokulraj, from a Dalit community, married an upper-caste girl from the Goundar community and was brutally murdered by Yuvaraj and his associates. Yuvaraj belongs to the Kongu-Vellalar caste-based outfit known as Dheeran Chinnamalai Peravai, and he committed this murder to protect the honour of the caste. This organization is highly notorious for mobilizing the Vellalar community against inter-caste marriages, which brought him fame and respect amongst the community youngsters. He utilized this fame to obtain political power in the region. Similarly, the honour killing of Vimaladevi, who belongs to a Most Backward class Kallar community, eloped with a person from a Scheduled caste person. She was kidnapped and murdered by her parents, who staged it as suicide. However, Tamil Nadu Untouchability Eradication Front identified Devar Murugan, a local caste leader, as one who manipulated and assisted Vimaladevi's parents in the murder. He is a functionary of a caste organization and runs various local businesses built over Kallar community resources. Caste organizations attract unemployed community youth by tingling the sentiments of valor and pride. The unemployed community youth serve as the functionaries of the local caste organizations. They are attracted to caste organizations by tingling their sentiments of Honour and Pride derived through the subordination of other lower caste communities in the region. The youngsters' excessive time at their disposal makes them devote time to work as foot soldiers in their caste organizations.

As Prem Chowdry argues, unemployment being an emasculating experience, youngsters obtain a sense of self-esteem and legitimize their position in the family through controlling women (2010; 294).¹⁴ They are also frequently given gigs by the organization to keep them busy. Larger political parties constantly fund caste-based political organizations and vigilantes, and the MLA candidates are also selected with their approval. The caste leaders commonly promise particular importance in jobs and government contracts to their community members in return for their broader electoral support. Thus community's honour is utilized to obtain economic and political power.

¹⁴ <https://cequinindia.org/wp-content/uploads/2018/01/Honour-killings-by-Prem-Choudhury.pdf>

THE FREEDOM OF MARRIAGE AND ASSOCIATION AND PROHIBITION OF CRIMES IN THE NAME OF HONOUR BILL 2022

The Dalit Human Rights Defender Network, a group of anti-caste activists and organizations, has drafted a bill called 'The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Act 2022'.¹⁵ The bill is intended to create a special central law to prevent 'honour killings' and hold those who commit such crimes accountable. The bill aims to offer justice, compensation, and rehabilitation to victims of crimes committed in the name of honour, including those based on caste, faith, age, gender, sexual orientation, language, class, race, status, and tradition. The founder-director of Evidence, A Kathir, leads the coalition behind the bill. While Rajasthan has passed a bill against honour killings and mob lynchings, this draft bill is intended to extend to the entire country. The bill seeks to protect against victimization in the name of honour and outlines punishments for perpetrators, compensation and rehabilitation for survivors, and protective measures to be implemented. It also identifies various types of victimization, including social and economic boycotts.

Right to choose partners

The Bill highlights the right of adults to select partners freely without any influence from their families, castes, tribes, religious communities, or clans. It aims to provide protection not only to those who decide to get married but also to individuals who wish to be in a relationship. The Bill allows either a district magistrate or a nodal officer to receive a statement from the couple, either in writing or orally, expressing their intention to be together. The nearest police station must be informed of this statement. The police cannot act against the couple if they are pressured by anyone, including family members, relatives, or members of their religious community. The Bill emphasizes that protection must also be extended to couples who may face harassment due to their gender or sexual identity.

Killing in the Name of honour

The Bill contains an extensive list of actions that can be considered criminal victimization to preserve the honor of a caste, religion, or any social norm. Some of these actions include but are not limited to evicting couples from their residence, abducting one of the partners or anyone associated with them, and enforcing a social or economic boycott on the couple or their families. The Bill also encompasses possibilities of physical harm, sexual violence, forced abortions, intimidation, and causing emotional

¹⁵ <https://clpr.org.in/wp-content/uploads/2022/05/Draft-Honour-Crimes-Bill-31.5.2022-Final.pdf>

distress by pressuring them to separate and confiscate important personal items like laptops, phones, and documents. Furthermore, the Bill recognizes that intimidation can occur through viral messages or videos on social media, which may encourage others to threaten couples or create disturbances at a person's workplace.

Penalties

The Bill proposes legal protections and penalties to address the offences outlined in it. In consultation with the High Court, the state government must designate district courts as fast track courts to try such cases. The trial is to be concluded within three months of filing the chargesheet.

All offences under the Bill must be non-bailable, irrespective of anything contained under the Code of Criminal Procedure (CrPC). The burden of proving innocence is to be placed on the perpetrator. Those who commit 'honour' killings will be punished with rigorous imprisonment for life and a minimum fine of Rs 10 lakh. Attempted 'honour' killings that result in disability will be punished with imprisonment of at least ten years and a fine of Rs 5 lakh. Anyone who abets, attempts, or conspires to commit the offence, or encourages or assists the suicide of the victim will be punished as if they had committed the offence.

Furthermore, the Bill suggests empowering judges of fast-track or magisterial courts to issue an injunction against any party, including caste panchayats, restraining them from carrying out acts of intimidation. If anyone has prior knowledge of a crime motivated by honour, they may file a complaint in such a court, and the court is required to issue an injunction. The metropolitan magistrate or a special fast-track court will take suo motu cognizance based on any reliable report that a crime motivated by honour is about to take place. Failure to comply with such an injunction will be punishable with imprisonment of up to two years, a fine of Rs 1 lakh, or both.

Prohibition of Panchayats

If any police or administrative officer becomes aware of a caste panchayat gathering with the intention of committing crimes in the name of honor against a couple or individual, they must inform the Deputy Superintendent of Police (DSP) or Superintendent of Police (SP). The DSP or SP must take immediate action to inform those attempting to assemble the caste panchayat that it is illegal, and if necessary, deploy adequate police force to stop the gathering. If the caste panchayat still forms despite

these measures, the sub-divisional magistrate or district magistrate must issue an order prohibiting the unlawful assembly. In such cases, the police must file a First Information Report (FIR) under relevant sections of the Indian Penal Code (IPC) including unlawful assembly and criminal intimidation."

According to Kathir, who spoke to TNM, this draft Bill not only addresses caste, but also patriarchy as factors in honor killings. He emphasized that marriage should be a woman's choice, but in reality, it is often influenced by caste, religion, and patriarchy, and this Bill aims to protect intercaste and interfaith couples, and move towards a casteless society. He further highlighted that India has the third highest number of murders related to people's choice of partners, and there is also a distressingly high number of women who die by suicide due to not being able to be with a partner of their choice. Additionally, the current legislation does not provide justice under the SC/ST (Prevention of Atrocities) Act for the partner who does not belong to a Scheduled Caste or Scheduled Tribe community in cases of honor killings of intercaste couples, which the draft Bill aims to address.

CONCLUSION

In persuasion of economic and political power, caste pride and community honour is embodied by women in multiple ways (Gorringer 2016; 262).¹⁶ In a society undergoing dynamic changes in power relations between communities, the men see themselves as the protector of "their" women, which includes surveillance, caste purity, endogamy, and sexual virtuosity (Gorringer, 2016; 262). When a woman from the upper caste marries an individual from the lower caste, they elevate the lower caste community to their status, which is perceived as a threat to their power as they might contest for equal status. In a society where Honour and status are relational to one another, intercaste marriage destabilizes it, so such unions are violently opposed. Understanding how terminologies such as Honour killings inform our understanding of the social phenomenon is also significant. As Derrida points out, the words we use to express external reality influence our understanding of that phenomenon and sometimes can be misleading. Hence anticaste Tamil discourse contests logocentric terminology of honour killing with the alternative term "Arrogance killing." In Tamil, honour killings are "Aanava Padukolai," translated as Arrogance killing in English. How can an act of murder bring honour to a community? Thus, it can only be done because of caste arrogance.

¹⁶ <https://www.tandfonline.com/doi/pdf/10.1080/09584935.2017.1360246>