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Honour Killing: Social Issue and Legal Response in India

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Honour Killing: Social Issue and Legal Response in India

Two adults choose to marry, and their family objects. When the family kills, we call it honour killing. This lesson covers how the courts have answered it, from Lata Singh to the Shakti Vahini guidelines.

At a glance

Four key facts on this topic

01 **2006**Lata Singh.

02 **2011**Arumugam Servai.

03 **2012**Law Commission Report 242.

04 **2018**Shakti Vahini.

What is honour killing?

1 What Is Honour Killing

1.1 What is honour killing?

It is violence, often murder, by a family or community against one of its own members. The reason given is usually a marriage the family rejects.

Caste, religion or gotra is often behind it. Khap panchayats and other informal groups sometimes support such acts.

1.2 Is it a separate crime in law?

No. The law treats it as murder or conspiracy. It does not name honour killing as a crime of its own.

The Law Commission looked at this gap in 2012. It asked whether honour killing should be added to Section 300 of the IPC.

1.3 Why do the courts call it a rights issue?

Two adults who choose each other as life partners use a choice recognised under Articles 19 and 21.

A family or khap cannot take that choice away.

Three ideas to hold

Idea	Meaning
Honour killing	Violence by family or community over a marriage they reject
Legal position	Treated as murder or conspiracy
Rights link	Choice of partner falls under Articles 19 and 21

Start with these three ideas before the cases.

> 6. **Think it through:** Is honour killing a separate offence in the criminal law? See answer ↓

> **Quick check 1.** True or false: Honour killing is a separate named offence in India's criminal law. *(True or False?)* See answer ↓

Sources: indiankanoon.org

What did Lata Singh say about adult choice?

2 Lata Singh, 2006

2.1 What did Lata Singh say about adult choice?

The Supreme Court decided Lata Singh v. State of U.P. on 7 July 2006. It said once a person becomes a major, they can marry whomever they like.

If parents do not approve, the most they can do is cut off social ties.

2.2 What did the Court say about honour killings?

It called them nothing but barbaric and shameful acts of murder. It said the killers deserve harsh punishment.

The case began as a dispute over an inter-caste marriage.

> 7. **Think it through:** What may parents do if they dislike an adult child's marriage? See answer ↓

> **Quick check 2.** True or false: In Lata Singh (2006), the Court said parents may punish an adult child for an inter-caste marriage. *(True or False?)* See answer ↓

Sources: indiankanoon.org

What did Arumugam Servai (2011) decide?

3 Khap Panchayats

3.1 What did Arumugam Servai (2011) decide?

The Law Commission's report records this case. It is reported as (2011) 6 SCC 405.

The Court strongly deprecated khap and katta panchayats taking the law into their own hands.

3.2 Why did this matter later?

The same line was repeated in Shakti Vahini. The 2018 Court noted that earlier benches had strongly deplored the activities of khap panchayats.

The States were told to act, but there were still no full rules for officials.

8. **Think it through:** Which body did Arumugam Servai criticise?

See answer ↓

Quick check 3. True or false: Arumugam Servai (2011) supported khap panchayats acting against couples. *(True or False?)* See answer ↓

What did Shakti Vahini decide?

4 Shakti Vahini, 2018

4.1 What was the case about?

Shakti Vahini v. Union of India was decided on 27 March 2018. The petition asked for steps against honour crimes.

It asked for special cells in each district, which couples could approach for safety.

4.2 What did the Court say about choice?

It said honour killing guillotines individual liberty and freedom of choice.

When two adults consensually choose each other as life partners, that is a choice recognised under Articles 19 and 21.

4.3 What were the guidelines?

The Court said there must be preventive, remedial and punitive measures. It set out broad contours for them.

The States were free to add further measures.

4.4 How fast must the trial be?

Cases must go to a designated or fast track court. The trial must proceed on a day to day basis. It should end preferably within six months of the court taking cognizance.

Failing to prevent a crime can be treated as deliberate negligence. Departmental action must follow under the service rules.

Three kinds of measures

Kind	Example from the judgment
Preventive	Special cells in each district
Remedial	Steps to protect and help the couple
Punitive	Fast track trial and departmental action

The Court grouped its directions into these three kinds.

9. **Think it through:** Which Articles protect a couple's choice of partner, according to the 2018 ruling? See answer ↓

Quick check 4. True or false: Shakti Vahini (2018) said trials should end preferably within six months. *(True or False?)* See answer ↓

What did the Law Commission propose?

5 The Law Commission Bill

5.1 What did the Law Commission propose?

Report No. 242 came out in August 2012. It suggested a legal framework to prevent interference with matrimonial alliances.

The Bill was titled the Prohibition of Interference with the Freedom of Matrimonial Alliances Bill.

5.2 Did a central law follow?

The Union told the Court in 2018 that the subject is in the Concurrent List. It said the States had to be consulted.

So the Court's guidelines stood in the meantime.

> 10. **Think it through:** Why did the Union say States had to be consulted? See answer ↓

> **Quick check 5.** True or false: The 242nd Law Commission Report recommended a Bill on interference with matrimonial alliances. *(True or False?)* See answer ↓

Remember this

- **Legal position:** treated as murder or conspiracy, not a separate offence.
- **Lata Singh, 2006:** an adult can marry whom they like.
- **Arumugam Servai, 2011:** khap panchayats condemned.
- **Shakti Vahini, 27 March 2018:** preventive, remedial and punitive measures.
- **Trial:** day to day, preferably within six months.
- **Law Commission:** Report No. 242, August 2012, proposed a Bill.

Explain it back: Say why Shakti Vahini is a ruling and not a statute.

Practice MCQs

1. The Shakti Vahini judgment was decided on:

A. 19 April 2011

B. August 2012

C. 7 July 2006

D. 27 March 2018

See answer ↓

2. In Lata Singh (2006), what did the Court say parents may do if they dislike an adult's marriage?

A. Approach the khap

B. Cancel the marriage

C. Cut off social ties

D. Punish the couple

See answer ↓

3. Which Articles protect the choice of two adults to marry, per Shakti Vahini?

A. Articles 14 and 15

B. Articles 19 and 21

C. Articles 25 and 26

D. Articles 32 and 226

See answer ↓

4. How did the Shakti Vahini Court group its measures?

A. Short, medium, long term

B. Local, State, central

C. Civil, criminal, social

D. Preventive, remedial, punitive

See answer ↓

5. The 242nd Law Commission Report was published in:

A. 2018

B. 2006

C. August 2012

D. 2011

See answer ↓

6. Arumugam Servai (2011) strongly deprecated which practice?

A. Registered marriages

B. Khap and katta panchayats taking the law into their own hands

C. Inter-State travel

D. Bail in murder cases

See answer ↓

Answer Key

1. **D.**
   The Supreme Court decided Shakti Vahini on 27 March 2018.
   ↑ Q1
2. **C.**
   The most parents can do is cut off social ties.
   ↑ Q2
3. **B.**
   The Court tied the choice to Articles 19 and 21.
   ↑ Q3
4. **D.**
   It asked for preventive, remedial and punitive measures.
   ↑ Q4
5. **C.**
   Report No. 242 is dated August 2012.
   ↑ Q5
6. **B.**
   The Law Commission report records this holding.
   ↑ Q6

Quick-check answers

1. **False.** It is treated as murder or conspiracy. A separate law was only proposed. ↑ 1
2. **False.** The Court said the most parents can do is cut off social ties. ↑ 2
3. **False.** The Court strongly deprecated khap and katta panchayats taking the law into their own hands. ↑ 3
4. **True.** The trial must run day to day and end preferably within six months of cognizance. ↑ 4
5. **True.** The Bill is the Prohibition of Interference with the Freedom of Matrimonial Alliances Bill. ↑ 5
6. **Think it through.** It is prosecuted as murder or conspiracy. The 2012 Law Commission report discussed a separate law. ↑ 6

7. **Think it through.** They may cut off social ties. They may not threaten or harm the couple. ↑ 7
8. **Think it through.** Khap and katta panchayats that take the law into their own hands. ↑ 8
9. **Think it through.** Articles 19 and 21. ↑ 9
10. **Think it through.** Because the subject falls under the Concurrent List of the Seventh Schedule. ↑ 10

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