

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

## ABOUT WHITE BLACK LEGAL

*White Black Legal – The Law Journal* is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

## AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

# **HONOUR KILLING, A CURSE TO SOCIETY. A SOCIO LEGAL STUDY**

AUTHORED BY - PARTHIBAN RAMANAN & SRI VINITHRA

## **ABSTRACT**

After achieving Independence, the forefathers of the Constitution believed that, we plan to build India into a modern State where people will be given equal rights and opportunities and there will be no space for the exploitation or the suppression on the basis of caste, creed, sex, religion etc. No feudal practices which prevailing in the past will exist and there will be a new concept of equality, liberty and also assuring human dignity to all the people.

But even after completing 71 years of Independence and also giving basic rights in form of Fundamental Rights to all the people as per the Constitution, there are news coming from various parts of the country that the young boys and girls are killed in the name of Honour and reason for the same is that they performed the inter-religion or inter-caste marriage and as per the tradition of the society these marriages are considered to be against the norms of the society. In the traditional society's marriage is considered to be a delicate issue, which requires a balancing that needs to be maintained and any kind of disturbance in this balancing is considered to affect the honour of the family in the society.

---

**1. AUTHOR R. PARTHIBAN RegNo: 21142152, B.COM., LL.B. HONS, VISTAS**

**2. CO-AUTHOR MRS. SRI VINITHRA, Assistant Professor, Law Department, VISTAS**

Crime being an inevitable phenomenon and a society without crime cannot be imagined. So, here in order to control the crime the state has authority to punish the wrongdoer or the accused through the implementation of different punitive laws in the society. It is an obligation imposed upon the state to maintain law and order in the society.

The study discloses that the government at state and central level as well as judiciary is playing its role quite efficiently and has always upheld the basic rights for living a dignified life against any law.

### **1.1 INTRODUCTION**

Honour Killing is nothing but the killing of women in the name of Honour of the family by the family members and the relatives of the female. The reason for the same being the unacceptable behaviour of the women and the acts are such as are in contrary to the norms set by the society and her behaviour is such as has brought dishonour to the family and they are killed for the same.

### **1.2 AIM & OBJECTIVE**

The Aim and Objective of the present study is to find out the various reasons for the commission of Honour Killing in India also in the other parts of the world. The present study also aim is to study the various legislature that are existing at the national and international level in order to the Honour Killing.

1. To find out the various reasons for the commission of Honour Killing in Indian society.
2. To find out the approach of the Judiciary towards Honour Killing in India.
3. To find out whether the existing legislations are sufficient in order to curb Honour Killing at National as well as International level.
4. To find out the approach of Judiciary towards the degrading status of women especially in regard to Honour Killing.

### **1.3 SCOPE AND LIMITATION**

The purpose of the present study about the Honour Killing incidents which are taking place in the society. What are the various reasons of these killings which are taking place in the society? The issue related to such killings is not the new one and has been followed from the ancient times. These killings are most privileged in these societies where the old customary practices are still followed. The researcher in his study also tries to discuss the various laws which are there in order to deal with the Honour Killing practices and also about the new recommended or proposed laws specially to deal with the offence of the Honour Killing. The study also aims to discuss about the role played by the Judiciary in curbing the customary evil practice prevailing in the society.

## **1.4 INTERNATIONAL ACCOUNTABILITY ON HONOUR KILLING**

UDHR is considered to be Magna Carta of the Human Rights. It came as a result of the devastation of Human Rights that took place in the Second World War. The establishment of UN in 1945 was for the purpose to maintain peace throughout the world and also to protect the Human Right of the people and also to ensure that they are not violated. In 1966, there were two International Covenants which were specially held to protect the rights of the individual i.e. International Covenant on Civil and Political Rights, 1966 and also International Covenant on Economic, Social and Cultural Rights, 1966. Both the Covenants aim to protect the inalienable rights given to the individual. UDHR and both the Covenant affirms equal rights to men as well as women and also the state parties to assure that steps are being taken to provide equal protection to men as well as women.

### **1.4.1 CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

The convention on elimination of all forms of discrimination against women (CEDAW) was adopted by the United Nation General Assembly and came in to force on 3rd Sept 1981. Among all the International document regarding protection of human rights CEDAW is the only legal document which delivers legal reliefs against the vehemence suffered by females due to social, religious, cultural tradition and customary practices like honour killing. The preamble of Declaration state that in spite of the several ongoing conventions defending the rights of women against the discriminations against female still survives. The Convention also provides for the special provisions for eliminating all kinds of brutal customary practices which makes discrimination between men and women.

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;
- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d) To refrain from engaging in any act or practice of discrimination against women and to

ensure that public authorities and institutions shall act in conformity with this obligation;

## **1.5 NATIONAL INSTRUMENTS TO CURB HONOUR KILLING**

The Municipal law in the country are made in such manner as to have maximum control over crime and to protect the individual from facing any kind of violence. The laws are also there to deal with the lawbreaking situations and to punish the wrongdoer in case found violating the law. The law itself explains the rights provided to the person by the Constitution and how to exercise them and in case of violation the remedy available to them.

### **1.5.1 PROHIBITION OF DISCRIMINATION AGAINST WOMEN**

Women are always considered as a vulnerable group which needs special attention for their growth. So, as per Article 15(3) the State is provided with the authority to make special provision in order to develop the status of women and children in the society. Right to equality being the basic fundamental right which is utmost important to the individual for his or her overall growth. Though Article 15(3) appears to be a class legislation but it is constitutionally permitted as it is for the purpose of the general welfare and social justice for these two vulnerable group i.e. women and children.

### **1.5.2 RIGHT TO FREEDOM (ARTICLE 19)**

In Article 19 the word 'freedom' has been used to declare that an individual has the freedom to act in a particular manner and the word 'right' has been used to declare that such freedom of action is guaranteed as a right. Since Article 19 is concerned with certain kinds of freedoms, first the freedom is declared and then the right is guaranteed.

### **1.5.3 RIGHT TO LIFE AND LIBERTY**

Right to life and liberty is an inalienable right to live a dignified life. Article 21 of the Constitution states that "No person shall be deprived of his life or personal liberty except according to procedure established by law". It means that no person shall be deprived to live a dignified life. In Article 21 the word 'state' is not used so as not to limit the curtailment of the right by the state only rather it is applicable upon the individual also not to curtail the right of an individual. The Article also imposes duty upon the State to create such circumstances through the legislation as to ensure that even individuals do not deprive the other person for

his right to life and liberty.

## **1.6 JUDICIARY VIEW ON HONOUR KILLING**

Indian society being a custom based society where there are number of customs which are followed in the society since the inception of society. This shows that the society is still tied up with the chain of customary practices prevailing in the society. There are certain good customary practices which help in the development of the society and on the other hand there might be certain bad practices which are still followed in the society and these practices somewhere restrict the growth and development of the country. Few of them are child marriage, sati pratha, dowry, female foeticide, rape, sexual assault of women and Honour Killing etc.

So, it becomes the duty of every individual in the society to change their mind set up towards the rudimentary practices that are prevailing in the society. It also becomes the prime duty of the government at centre and state level to make rules in order to curb these evil practices and to punish the person who is found performing or being part of these practices.

## **1.7 CONCLUSION AND SUGGESTION**

Right to live with human dignity is a basic inalienable right of every human being. As the right is inalienable, no one can be deprived of his right either by Government or by any other person. Right to life and liberty is a basic right of each and the right is also ensured in various national and international documents on human rights. Indian Constitution being a written Constitution which specifically mention about these basic human rights under Part III of the Constitution. Article 21 of the Constitution, which specifically talks about the Right to life and liberty, interpreting the same the Supreme Court through its judicial activism approach has ensured a dignified life to each and every human being.

### **1.7.1 CONCLUSION**

“Honour Killing” is a contemporary social civil in India whereby couple are killed who voluntarily marry against the will of their parents and communities well, mainly these couples who marry within the same gotra or outside their castes are brutally killed’ by the villagers or communities they belong to this evil practice is prevalent in North India mainly and several shocking incidents have been reported in the recent years. Killing of young people for the sake protecting the honour of the said community cannot be justified on any ground. It is barbaric

and there is nothing honourable.

Moreover, it is clear violation of various fundamental rights of individuals. Well, each individual is born free, and the Indian constitution guarantees various fundamental rights for every individual for his/her holistic development. Every person has a right to marry person of his/her choice. "Honour Killing" a social evil is a clear violation of human rights as well as basic fundamental rights.

Honour killing is the killing of one of the family members by other family member is a belief that within has brought dishonour to the family or the society.

### **1.7.2 SUGGESTION**

Crime being an inevitable phenomenon and a society without crime cannot be imagined. So, here in order to control the crime the state has authority to punish the wrongdoer or the accused through the implementation of different punitive laws in the society. It is an obligation imposed upon the state to maintain law and order in the society. India being a customary state where there are number of customs that prevail in the society and out of them there are certain customary evil practices like sati, female foeticide, honour killing etc. that prevail in the society. In the name of customary barbaric practice there are number of innocent couples who are killed by the family members in the name of honour of the family and the community.

1. The Judiciary from time to time issued certain directions to the state and central government to take strict action against the persons who are involved in such killing. But taking punitive measure will not be sufficient to curb the crime rather there should be certain precautionary measures which must be taken to protect the life of the couples who have performed marriage by their choice and are constantly threatened by the members of the family and society.
2. In the criminal proceedings, the burden is on prosecution to prove the guilt of the accused but in dealing with cases of Honour Killing and categorising as special cases, the burden must lie upon the accused to prove that he was not involved in the commission of crime.
3. There must be special awareness programs that must be conducted by the government to create awareness about reporting the rights of the other persons and also that commission of offence like Honour killing, female foeticide, sexual assault, child marriage etc is nothing but violation of the rights of the other person which one provided to every person by the constitution.