

# **Honour Killings and the role of khap panchayats: reviewing judicial measures to curb honour crimes in rural india**

## **Honour Killings in India and the Role of Khap Panchayats: Trends, Impacts, and Changing Dynamics**

### **Introduction**

Honour killings are acts of violence, usually murder, committed by family members against individuals—primarily women—who are perceived to have brought dishonour upon the family. In the Indian context, honour killings are deeply tied to issues of caste, religion, and patriarchy. The phenomenon is most visible in North Indian states like Haryana, Uttar Pradesh, Punjab, and Rajasthan, where familial and community honour is closely linked to traditional practices regarding marriage and social conduct.

A significant factor in perpetuating such killings has been the influence of informal village-based institutions known as Khap Panchayats. These caste-based councils, operating primarily in rural North India, wield strong social influence and often pass extra-legal judgments that run contrary to constitutional and legal norms. This essay explores the scenario of honour killings in India, the historical and contemporary role of Khap Panchayats, changes over the last decade, and assesses whether these institutions have helped or hindered the effort to reduce honour-based violence.

### **Understanding Honour Killings in India**

Honour killings in India typically stem from a perceived violation of traditional norms governing marriage and relationships. These violations include inter-caste or inter-religious marriages, elopement, marrying without family consent, or even choosing one's partner from within the same village or gotra (lineage), which is considered incestuous by certain communities.

Key features of honour killings in India include:

1. The crime is often committed by close relatives or community members.
2. The victims are mostly young adults, particularly women.
3. The justification for the crime is rooted in family honour, community traditions, and social reputation.
4. Often, such acts are committed with the tacit or explicit approval of community elders or local councils.

States like Haryana, Uttar Pradesh, and Punjab have consistently reported high numbers of honour killings. The National Crime Records Bureau (NCRB) data, though limited due to underreporting and lack of a specific category until 2014, shows that such killings are both prevalent and deeply embedded in social structures.

### **The Role of Khap Panchayats**

Khap Panchayats are traditional caste councils found in rural parts of northern India, particularly among the Jat community. Though not recognized under Indian law, they continue to function as de facto governing bodies in many villages, settling disputes and enforcing social codes.

Khaphs typically operate on age-old customs and patriarchal norms. Their role in honour killings has been controversial for several reasons:

1. **Condoning or Encouraging Violence:** Some Khap Panchayats have directly or indirectly supported honour killings, particularly in cases of same-gotra or inter-caste marriages. They argue such marriages violate traditional codes and endanger community structure.
2. **Extra-Judicial Authority:** Khaphs often issue diktats that contradict constitutional rights, such as personal liberty and the freedom to choose one's partner. They have no legal authority, yet their decisions carry immense social weight.
3. **Gender Bias and Patriarchy:** Khaphs operate under a rigidly patriarchal framework. Women are expected to conform to strict behavioral standards, and any deviation can be seen as dishonourable.

Examples abound where Khap rulings have led to or justified honour killings. In some high-profile cases, such as the Manoj-Babli case in Haryana (2007), Khap leaders publicly defended the killing of a couple who had married within the same gotra.

### **Changes Over the Last Decade (2013–2023)**

In the last ten years, the scenario regarding honour killings and the role of Khap Panchayats has evolved due to a variety of social, legal, and political factors.

#### **1. Judicial Intervention**

The judiciary has taken a strong stance against honour killings and the influence of Khap Panchayats. In 2011, the Supreme Court declared such killings as "rarest of rare" crimes, warranting the harshest punishments. The Court also warned that Khap Panchayats have no authority to pass social diktats or influence personal freedoms.

In the landmark case *Shakti Vahini v. Union of India* (2018), the Supreme Court issued guidelines to curb honour-based violence, particularly emphasizing the need for district-level protection cells for inter-caste and inter-faith couples.

#### **2. Legislative Efforts**

Though there is no standalone law against honour killings, existing sections of the Indian Penal Code (IPC) dealing with murder and criminal conspiracy are used for prosecution. However, there have been demands for more specific laws. Some states, like Rajasthan (2019), have passed laws explicitly criminalizing honour killings, with provisions for capital punishment.

#### **3. Civil Society and Media Pressure**

Awareness campaigns, activism, and media coverage have increased public scrutiny of honour killings and Khap Panchayats. Civil society groups, especially women's rights organizations, have taken up cases of victims, offering legal aid and mobilizing public opinion.

#### 4. Social Change and Youth Rebellion

There has been a marked shift in the attitudes of younger generations, particularly in urban and semi-urban areas. More couples are exercising their right to choose partners irrespective of caste or community. The growth of education, migration to cities, and digital connectivity have all contributed to weakening traditional norms, including those enforced by Khaps.

#### 5. Reformist Tendencies within Khaps

Interestingly, not all Khaps continue to endorse honour killings. Over the last decade, a few Khat leaders have publicly condemned such acts, calling for legal marriages to be accepted if they are consensual. Some have even advocated raising the marriageable age to discourage early and secretive marriages. These are small but significant steps toward reform.

#### Advantages of Khat Panchayats in Reducing Honour Killings

Though controversial, Khat Panchayats may offer certain socio-cultural advantages in efforts to reduce honour killings, if reformed and integrated within constitutional frameworks.

1. **Community Influence:** Khaps wield considerable authority. If they change their stance and actively discourage honour killings, they could effectively prevent such crimes in areas where state machinery is weak.
2. **Conflict Resolution:** In rural settings, legal recourse is often expensive and inaccessible. Reformed Khaps can mediate family disputes and promote peaceful resolutions, especially in cases of elopement or inter-caste marriages.
3. **Moral Persuasion:** In tightly-knit communities, moral guidance from elders is still valued. Khaps could use this authority to foster tolerance, acceptance of personal choices, and gender equality.
4. **Bridging State-Society Gap:** With proper regulation and training, Khat Panchayats could act as a bridge between traditional societies and modern governance, ensuring cultural sensitivity without infringing on constitutional rights.

#### Disadvantages and Challenges of Khat Panchayats

Despite the potential for positive transformation, the Khat Panchayat system continues to pose several challenges to the legal and human rights framework in India.

1. **Lack of Legal Accountability:** Khaps function outside the purview of law. Their decisions are not subject to judicial review or constitutional checks, allowing arbitrary and sometimes violent outcomes.
2. **Gender Discrimination:** Women are often denied agency in Khat-led communities. Decisions tend to reinforce patriarchal norms, controlling female mobility, education, and autonomy.
3. **Casteism and Exclusion:** Khaps are rooted in caste identity and have historically excluded Dalits and minorities from decision-making processes. Their preservation of endogamy strengthens caste hierarchies.

4. **Obstruction of Justice:** In many honour killing cases, Khap leaders have shielded perpetrators, discouraged police reporting, or intimidated witnesses, hindering legal processes.
5. **Contradiction with Constitutional Morality:** The judgments and social codes enforced by Khaps often contradict the Indian Constitution's emphasis on liberty, equality, and individual choice. They can undermine state authority and rule of law.

### **The Way Forward**

To curb honour killings and address the challenges posed by Khap Panchayats, a multi-pronged strategy is needed:

1. **Legal Reform:** Enactment of a comprehensive law addressing honour crimes, defining the offence, fixing accountability on community instigators, and ensuring victim protection.
2. **Police Training and Protection Cells:** District-level special cells should be empowered to assist couples at risk. Fast-track courts and witness protection mechanisms should be strengthened.
3. **Community Engagement and Awareness:** Campaigns promoting gender equality, constitutional rights, and acceptance of inter-caste marriages must be expanded in rural areas, with support from educators, social workers, and even progressive Khap leaders.
4. **Regulating Khaps:** While banning them outright may drive them underground, integrating them into a regulated community mediation system with oversight could help in transforming their role.
5. **Support for Victims and Survivors:** Safe shelters, legal aid, and rehabilitation services must be provided to couples facing threats from their families or communities.

tradition and modernity, collective honour and individual rights. Khap Panchayats, emblematic of India's rural power structures, have played both destructive and reformative roles in this context.

Over the last decade, while judicial pronouncements and state actions have led to a gradual decline in the overt endorsement of honour killings by Khaps, deep-rooted patriarchal and casteist attitudes still pose significant hurdles. With concerted efforts—legal, social, and educational—Khap Panchayats can potentially evolve from being enforcers of regressive customs to facilitators of peaceful social change.

But this transition requires a firm reaffirmation of constitutional values, active state intervention, and a cultural shift within rural communities. The ultimate goal must be to create a society where love and liberty do not require the approval of outdated councils and where human life is valued above abstract notions of honour.

### **Reviewing Judicial Measures to Curb Honour Crimes in Rural India**

Honour crimes, including honour killings, continue to be reported from various parts of rural India, despite a strong constitutional and legal framework safeguarding individual freedoms. These crimes, which are usually motivated by caste, gender, and community-based notions of 'honour,' are often committed by the family members or sanctioned by caste councils such as Khap Panchayats. The Indian

judiciary, especially the Supreme Court and High Courts, has taken significant strides in addressing this problem. However, enforcement and compliance, particularly in rural regions where traditional structures dominate, remain inconsistent and fraught with challenges.

This analysis delves into the existing judicial measures, evaluates their impact in rural India, and explores the limitations and opportunities for reform and stronger implementation.

## 1. Judicial Recognition and Categorization of Honour Crimes

One of the earliest challenges in addressing honour crimes was the absence of explicit recognition of such crimes in statutory law. Judicial pronouncements have filled this gap to some extent by interpreting existing laws.

- **Lata Singh v. State of U.P. (2006):** The Supreme Court held that adult women have the fundamental right to marry a person of their choice. It condemned honour-based harassment and instructed the police to protect inter-caste couples.
- **Arumugam Servai v. State of Tamil Nadu (2011):** The Court openly criticized Khap Panchayats for instigating crimes against couples from different castes or gotras. It held such actions as illegal and against the Constitution.
- **Shakti Vahini v. Union of India (2018):** A landmark judgment, the Supreme Court issued binding directions to all states to protect couples from honour-based violence. It mandated district magistrates to ensure the safety of couples, directed the establishment of Special Cells, and ordered police to treat such crimes with seriousness, registering FIRs promptly.

These rulings have laid the foundation for a constitutional and human rights-oriented approach to honour crimes.

## 2. Use of Existing Penal Laws to Prosecute Honour Crimes

There is no separate law in the Indian Penal Code (IPC) that defines or criminalizes honour killings. Instead, the judiciary uses existing provisions to prosecute such cases:

- **Section 302 (Murder):** Used to try the actual killing of the victim.
- **Section 120B (Criminal Conspiracy)** and **Section 34 (Common Intention):** Applied to family members or community elders who may have instigated or facilitated the crime.
- **Section 506 (Criminal Intimidation):** Often invoked in cases of threats and coercion.

In some cases, courts have invoked **Section 376 (rape)** and **Section 354 (outraging modesty)** where women were subjected to sexual violence as part of honour-based punishments.

While these provisions provide a mechanism to punish perpetrators, the courts have repeatedly emphasized the need for **more targeted legislation**.

### 3. Judicial Directions for Administrative and Police Reforms

The **Shakti Vahini** judgment remains the most comprehensive in terms of judicial action to prevent honour killings. The following are key directions issued by the Court:

- **District Vigilance Committees:** Each district should have a committee headed by the District Magistrate with police and civil society representatives to identify and prevent honour-based threats.
- **Special Cells in Police Stations:** Each police station must set up a cell to receive complaints from couples facing threats and provide immediate protection.
- **Safe Houses:** States were directed to create safe houses for inter-caste/inter-faith couples.
- **Time-Bound Police Action:** Immediate FIR registration, investigation within four weeks, and submission of charge-sheets within 30 days were prescribed.
- **Preventive Measures:** Anticipatory action including surveillance and community engagement in regions with a history of such crimes.

Though these directions are binding, their actual implementation in rural areas has been poor.

### 4. Judicial Review of Khap Panchayats

Courts have consistently ruled that **Khap Panchayats have no legal status** and cannot interfere with the lives of consenting adults:

- The Supreme Court in **Shakti Vahini** explicitly said: “There is nothing honourable in honour killing; and such acts of barbarism are shameful and must be condemned as they fall foul of the Constitution.”
- In several High Court rulings, Khaps have been warned not to issue social boycotts, fines, or exile orders against individuals who choose to marry against traditional norms.

However, despite judicial condemnation, Khap Panchayats still operate with considerable impunity in rural areas, owing to weak policing and local political protection.

### 5. Limitations and Enforcement Gaps in Rural Areas

Despite clear judicial intent, the ground realities in rural India present several hurdles:

#### a. Lack of Awareness

- Victims, especially women and lower caste individuals, are often unaware of their legal rights or the judicial directives protecting them.
- Judicial orders remain inaccessible due to language, education, and digital literacy barriers.

### **b. Police Apathy or Collusion**

- Rural police often act in collusion with local power structures or ignore complaints out of caste allegiance.
- FIRs are not registered in time; many are diluted or dropped after pressure from village elders.

### **c. Social and Cultural Resistance**

- Courts may uphold individual rights, but societal norms in rural areas still prioritize collective honour.
- Victims often face community ostracization even if they escape physical harm.

### **d. Lack of Infrastructure**

- Most districts do not have functioning safe houses or trained officers in the Special Cells.
- Protective services for couples are rare, underfunded, and politically neglected.

### **e. Judicial Delays**

- Honour crime trials can take years, during which victims and witnesses are often threatened or retracted.
- Conviction rates remain low, undermining the deterrent value of judicial intervention.

## **6. Evolving Jurisprudence and Emerging Trends**

In recent years, courts have begun to engage more deeply with **constitutional morality**, a term that has emerged in judgments like *Navtej Singh Johar v. Union of India* (2018) and *Sabarimala Temple Entry Case* (2018). These judgments prioritize individual rights over community morals—a significant shift with implications for honour crime jurisprudence.

Moreover, courts have shown increasing willingness to impose **exemplary punishments**, including life imprisonment or death sentences, particularly when community leaders or panchayat members are involved.

There is also a growing trend of High Courts issuing **pre-marital protection orders**, wherein couples seek and receive anticipatory protection against honour threats even before marriage.

## **7. Recommendations for Strengthening Judicial Measures**

To make judicial measures more effective in rural India, several reforms and support systems need to be institutionalized:

1. **Codify Honour Crimes:** A dedicated law on honour crimes, as recommended by the Law Commission and the Justice Verma Committee, would provide clarity, ensure uniform application, and enable specific prosecution of instigators.

2. **Judicial Monitoring of Implementation:** The Supreme Court and High Courts should set up monitoring benches or committees to periodically review compliance by states with guidelines such as those issued in *Shakti Vahini*.
3. **Rural Legal Literacy Campaigns:** Legal aid authorities must actively disseminate information on honour crime laws and rights through village-level awareness campaigns, particularly in local dialects.
4. **Strengthen Fast-Track Courts:** Special fast-track courts to handle honour crime cases should be established in vulnerable districts to ensure time-bound justice.
5. **Community-Based Alternative Dispute Mechanisms (with oversight):** Rather than outlaw Khaps completely, reformed community councils with legal supervision could help mediate and resolve social tension, preventing violence.
6. **Whistleblower and Victim Protection:** Implement robust mechanisms to protect witnesses, survivors, and lawyers handling such sensitive cases in rural districts.

The Indian judiciary has played a crucial and often progressive role in combating honour crimes. Landmark rulings have reinforced individual liberty and constitutional values. Yet, the rural landscape presents deep-rooted obstacles to the realization of these judicial mandates.

The challenge lies not in the absence of legal measures, but in their **ineffectiveness on the ground**, especially in deeply conservative and caste-stratified areas. Bridging the gap between **judicial intent and rural enforcement** will require not just legal reforms, but also societal transformation, grassroots awareness, and institutional accountability.

Unless the judicial directives are embedded into local governance and made accessible to the most vulnerable, honour crimes in rural India will continue to defy the reach of justice.