

## State, Society and the Scales of Justice: The Judiciary's Role in Combating Honour Killings



Ms Lochan Gupta<sup>1\*</sup>, Dr Madhu Bala<sup>2</sup>

<sup>1\*</sup>Research Scholar, Department of Law, Maharishi Markandeshwar deemed to be University Mullana Ambala

<sup>2</sup>Assistant Professor of Law, Department of Law, Maharishi Markandeshwar deemed to be University Mullana Ambala

### Abstract

Honour killings, often rooted in patriarchal customs and societal expectations, remain a grave violation of human rights in many parts of the world. Despite being legally classified as homicide, such crimes are frequently normalized within communities under the guise of preserving family or communal "honour." This research paper critically examines the judiciary's role in addressing and combating honour killings, focusing on how courts interpret, enforce, and sometimes challenge prevailing socio-cultural norms. By analyzing landmark judgments, statutory provisions, and judicial trends, the study explores whether the judiciary acts merely as an interpreter of law or as a transformative institution capable of confronting deeply embedded social practices. It further investigates the tension between cultural relativism and constitutional values such as equality, life, and dignity. The paper argues for a more proactive, rights-based judicial approach to honour killings, highlighting the need for consistency, sensitivity, and systemic reform in legal responses. Ultimately, it calls for a collaborative framework involving the state, judiciary, and civil society to ensure that justice is not only delivered but also seen to challenge the structural roots of honour-based violence.

**Keywords:** Honour Killings, human rights, judicial approach, socio-cultural norms, civil society

Honour murders represent most of the gravest abuses of human rights, including the purposeful murder of individuals, particularly women, by family and community members in reaction to behaviours judged dishonourable by existing society standards. (Deol, 2014). This practice has historical origins in civilisations with patriarchal systems, strict social hierarchies, and a communal ethos that prioritises family or community honour above individual liberty and rights (Bhanbhro, Sadiq, 2021). Honour killings have continued regardless of a country's development level, religion or social stratification, necessitating rigorous examination from all branches of government, including governmental institutions, civil society and the court. The court, in particular, has a critical role in interpreting the law, administering justice, and catalysing larger societal reforms aimed at eliminating the crime of Honour Killing. (M. Sreedevi, 2015)

### Societal Foundations: The Cultural and Social Underpinnings of Honour Killings

Honour murders are rooted in the patriarchal mindset that associates the family owner with control over female sexuality and societal obedience. Women and girls are identified as symbolic carriers of family or community honour, and their alleged transgressions ranging from selecting marriage partners, engaging in premarital relationships, and exerting autonomy, are considered as dangers that require violent correction. These behaviours are particularly common in collectivist civilizations where maintaining collective cohesiveness and reputation is prioritised, often through violent

repression of individual opposition. Social support for honour killings is further entrenched by community sanction, silent cultures, and the normalisation of violence as a tool for enforcing conformity. (Bhanbhro, Sadiq, 2021). Search behaviours or not limited to certain locations, Class or creed. They occur anywhere tradition provides gendered norms and consequences to manage transgression. Despite widespread condemnation, the global occurrence of honour murders demonstrates the enduring power of patriarchal and community ideals in many communities (Grewal, 2012)

### The Role of State Institutions: Law, Enforcement and Policy Challenges

State institutions such as the parliament, police, and executive agencies are primarily responsible for passing legislation and enforcing legal requirements and safeguarding citizens. However, in practice, their efficacy is frequently hampered by conservative attitudes that drive honour murders. In many jurisdictions, parallel judicial systems such as tribal councils or jirgas function alongside legitimate state institutions, exerting substantial influence and sometimes obstructing legal proceedings through extralegal settlements or complicit silence. (Malik, 2014)

Further complicating the picture are legal loopholes and Criminal Code clauses that reflect or accept cultural defences such as grave and sudden provocation or victims' families' entitlement to pardon the perpetrator—often the same family that was involved in the crime. These legal complexities

allow criminals to avoid harsh punishment, maintaining a cycle of impunity and cultural acceptance for such acts. The practical obstacles of investigating, prosecuting and protecting witnesses and survivors compound underreporting and discourage victims from pursuing justice.(Khan,2021)

### **The Judiciary as Arbitrator and Agent of Change**

The court plays a dual role in preventing honour killings: It adjudicates individual cases while also acting as an institutional force promoting systematic reform and societal transformation. Courts are uniquely situated to interpret and apply the laws in ways that reject cultural excuses for violence, support human rights and ensure constant prosecution and punishment of abusers.(Srivastava,2024)

### **Judicial Interpretation of Honour Killing Cases**

In many important legal systems, the judiciary has denounced honour killings as unacceptable kinds of homicides, emphasising that neither cultural customs nor claims of honour can absolve criminal responsibility. For example, in cases such as *Shakti Vahini v.Union of India*(2018) and *Lata Singh v.State of Uttar Pradesh*(2006), the Indian Supreme Court explicitly declared family or khap panchayat decisions in matrimonial cases to be unconstitutional, emphasising the right to life and personal liberty. These decisions established significant precedents by stressing the importance of individual rights over collective social standards..(Srivastava,2024)

Similarly, in response to legislative reforms in international criticism, the Pakistani judiciary has gradually rejected the leniency given by grave and sudden provocation and family pardons, particularly with the passing of anti-honour killing laws. However, obstacles remain in ensuring that these legal decisions are equally followed at all levels, particularly in lower courts, where patriarchal prejudices still prevail.(Cheema,2010)

### **Judicial Initiatives Towards Legal Reform**

Recognising the limitations of general criminal legislation, judicial advocacy has served as a driving force for legislative change. Indian and Pakistani courts have asked parliaments to pass legislation that unambiguously criminalises and punishes honour murders, as well as to narrow loopholes that allow for familial settlement or mitigation. Fast-track courts, special investigation teams, and witness protection programs have all been suggested or implemented in response to the specific hazards connected with prosecuting these crimes. Furthermore, judicial training programs and standards have been created to sensitise judges to the underlying patriarchal and cultural dynamics, to ensure that punishment is both strict and compatible

with international human rights commitments.(Shahid,Awan,Rana,2024)

### **Coordinated Community Response and Civil Society Partnerships**

Courts have increasingly recognised the need of multi-sectoral and coordinated responses that include police, child protection services, local government, non-governmental organisations (NGOs), and victim advocate groups. The judiciary's strong involvement with civil society has increased the visibility of honour crimes, made it easier for victims to obtain justice, and shaped legislative frameworks that are attentive to survivors' needs and concerns. Notably, court openness to support from NGOs has helped provide advocacy, counselling, and housing for at-risk persons, as well as promote the cause of legislative change through public interest lawsuits and amicus curiae interventions. (UN Women,2011)

### **Shortcomings, Challenges, and the Need for a Holistic Approach**

Despite these attempts, significant obstacles persist. Societal attitudes, particularly in rural and traditional communities, continue to impede justice by discouraging reporting, suppressing witnesses, and supporting criminals. The existence of informal justice channels, uneven law enforcement, and the sluggish implementation of judicial changes undercut the deterrent effect and example value of landmark judgements.(CastroM,2023)

Judicial efficacy suffers when legislative frameworks allow for extensive discretion or lack precise sentencing criteria, resulting in unpredictable outcomes and weakening public trust in the rule of law. Furthermore, poor victim and witness protection systems limit effective prosecution and support for those most susceptible to retaliation..(Shahid,Awan,Rana,2024)

### **Towards Justice and Social Transformation: Strategic Recommendations**

To ensure real progress in eradicating honour killings and delivering justice, a holistic strategy engaging the judiciary, state institutions, and society at large is imperative:

**Legislative Reform:** Enact and rigorously enforce explicit laws that criminalise honour killings, close loopholes for mitigation and familial settlement, and delineate severe penalties for perpetrators and accomplices.(Srivastava,2024)

**Judicial Consistency and Training:** Institute comprehensive judicial training on gender sensitivity, human rights, and cultural biases, and develop sentencing guidelines to ensure consistent and stringent punishment for honour-based violence.(Idriss,2015)

**Victim and Witness Protection:** Establish robust protection programs, fast-track court procedures, and victim support services (including shelter, counselling, legal aid) to encourage reporting and safeguard those at risk. (Shahid,Awan,Rana,2024)

**Integrated Community Response:** Foster collaboration between the judiciary, police, health care providers, local government, and civil society organisations to deliver coordinated prevention, intervention, and support measures.(UN Women,2011)

**Societal Engagement and Education:** Support public awareness campaigns and educational initiatives to challenge the socio-cultural norms underpinning honour crimes, empower women, and promote gender equality.(A.Hadi,2020)

**Independent Monitoring and Accountability:** Ensure independent court monitoring and public reporting to evaluate judicial responses and hold institutions accountable for failures or misconduct(UN Women,2011)

The judiciary's role in combating honour killings sits at the intersection of interpreting the law and reshaping the societal norms that underpin these atrocities. While landmark judicial pronouncements and reforms have laid a foundation for justice, only a sustained and coordinated engagement involving the state, judiciary, and society can eradicate this social evil. The task ahead requires clarity in law, consistency in application, courage in challenging entrenched norms, and compassion in supporting victims—thereby ensuring that the scales of justice serve to protect dignity, equality, and the sanctity of life for all.(Srivastava,2024)

## REFERENCES

1. Satnam Singh Deol. (2014). *Honour Killings in India: A Study of the Punjab State*. <https://www.semanticscholar.org/paper/33c863e1ad40afcd94da70dc8bbf205842f2a7e4>
2. S Bhanbhro. (2021). *Uncovering community notions of honour and their relation to honour killings*. <http://shura.shu.ac.uk/29422/>
3. M. Sreedevi. (2015). *Honour Killings: A Global Concern*. *SOCIOLOGY*. <https://www.semanticscholar.org/paper/eb275a90232fe83caf88259e73e3b377b4a68336>
4. S Bhanbhro. (2021). *Uncovering community notions of honour and their relation to honour killings*. <http://shura.shu.ac.uk/29422/>
5. Puneet Grewal. (2012). Honour Killings and Law in India. In *IOSR Journal of Humanities and Social Science*. [https://figshare.com/articles/Honour\\_Killings\\_and\\_Law\\_in\\_India/1270313](https://figshare.com/articles/Honour_Killings_and_Law_in_India/1270313)
6. Malik. (2014). *Honour Killing in Pakistan*. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2411680](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2411680)
7. Aleena Khan. (2021). *'Honour' Killings in Pakistan: Judicial and Legal Treatment of the ...* <https://sahsol.lums.edu.pk/node/12887>
8. Astha Srivastava. (2024). *Honour Killings in India: A Scourge of Patriarchal Oppression*. <https://lawfullegal.in/honour-killings-in-india-a-scourge-of-patriarchal-oppression/>
9. Astha Srivastava. (2024). *Honour Killings in India: A Scourge of Patriarchal Oppression*. <https://lawfullegal.in/honour-killings-in-india-a-scourge-of-patriarchal-oppression/>
10. Moeen Cheema. (2010). *Judicial Patronage of 'Honor Killings' in Pakistan: The Supreme Court's Persistent Adherence to the Doctrine of Grave and Sudden Provocation*. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1536258](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1536258)
11. Ali Shahid, Malik Husnain Awan, & Farhana Aziz Rana. (2024). Honour Killings in Pakistan: Legal Perspectives and Reforms. In *Qlantic Journal of Social Sciences*. <https://submissions.qlantic.com/index.php/qjss/article/view/279>
12. *National plan of action to prevent and punish "honour" crimes*. (2011). <https://www.endvawnow.org/en/articles/732-national-plan-of-action-to-prevent-and-punish-honour-crimes.html>
13. Kavin Castro M. (2023). Analysis of Caste-Based Honour Killings with Special Reference to Tamil Nadu. In *International Journal of Law and Social Sciences*. <https://www.semanticscholar.org/paper/78dbc4d9a5c7791d5045b6a786ab5c93ab998c33>
14. Ali Shahid, Malik Husnain Awan, & Farhana Aziz Rana. (2024). Honour Killings in Pakistan: Legal Perspectives and Reforms. In *Qlantic Journal of Social Sciences*. <https://submissions.qlantic.com/index.php/qjss/article/view/279>
15. Astha Srivastava. (2024). *Honour Killings in India: A Scourge of Patriarchal Oppression*. <https://lawfullegal.in/honour-killings-in-india-a-scourge-of-patriarchal-oppression/>
16. M. Idriss. (2015). Sentencing Guidelines for HBV and Honour Killings. In *The Journal of Criminal Law*. <https://journals.sagepub.com/doi/10.1177/0022018315586167>
17. Hadi. (2020). 'Honor' Killings in Misogynistic Society: A Feminist Perspective. In *Academic Journal of Interdisciplinary Studies*. <https://www.richtmann.org/journal/index.php/ajis/article/view/11670>