

CRITICAL ANALYSIS OF HONOUR KILLINGS OF TAMILNADU

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INTRODUCTION:

Indian society is basically a heterogeneous society which is made up of diverse classification of people based on caste, class, gender and so on. Every class of people strongly believe and uphold to follow the custom and tradition of that particular class and they consider it as dishonour who deviates from that custom and woman are generally considered as the family's bearer of honour. It is very well routed in their perception that whoever tries to commit any breach on the norms of the community /particular family concerned are the ones who are causing dishonour to the community/family and the counter activity which was taken by the community/family to preserve their honour is called honour killing. Eventhough honour killing is happening to both men and women, women's ratio of being victims is far higher than man and the main reason for this is due to two major factors- one is woman is treated as a commodity and not human beings and the second thing is due to the perception that woman is the bearer of honour (GEETA, 2010). Honour killing against women is mainly due to the patriarchal value system that deeply embeds in the Indian society and the rigid caste system they follow which make them not to even feel hesitate to kill those women who cause dishonour by dressing against their pattern, marrying by her choice or engaging in homosexual acts and so on (ZAHID, 2008)¹. It is considered as the rare of the rarest crimes and beyond cultural violence it had been turned as the genocidal violence in the present days.

As honour killing is a social evil, there is no universal definition of it. Different activists and sociologists have interpreted it in various ways. One thing that is clear in the honour killing is the term "Honour" which means "reputation/holding great respect". So simply honour killing can be defined as killing/applying coercive methods/doing homicide to preserve honour of the family.

1. **Law Commission of India** - "Honour killings" and "honour crimes" are loosely used as appropriate terms to describe cases of violence and harassment inflicted on a young couple who wanted to marry or was married against the will of community or family members.
2. **The Oxford Dictionary of Law Enforcement**- Honour killing is the purposeful pre-planned murder, generally of women, by or at the command of members of her family stipulated by a perception that she has disgraced the family.

¹ Nasir Aslam Zahid, "Honour killing :Violence in South Asia,Honour killing in Pakistan", In A Report Of The Proceedings Of The Cross Border Seminar On Honour Killing: A Violence Against Women In South Asia,43-55 at 45(MASUM PUBLICATIONS,Pune,2008)

NOTABLE CASES:

1. In the research paper titled “The face of honour based crimes”,only when there is a healthy partnership between women,family,community and state this violence can be regulated ,while pointing out few examples of TamilNadu notable honour killings i.e Ilavarasan and Divya of Dharmapuri Dalit village,Sasikala of Vilathoor in Ramanathapuram district and so on (Kirti, 2011)³.
2. The study conducted by Tanya D’Lima, Jennifer L. Solotaroff, Rohini Prabha Pande ,it had had been pointed out that the main reason behind the commission of honour killing is family and their tradition and for protecting this, this crime is happening (Tanya D’Lima, 2020)⁴.
3. In the research paper titled” Patriarchal Ideology of Honour and Honour Crimes in India”,it had been pointed out that ,for controlling this evil crime ,general public and the lawmakers should play a crucial and a dominant role (Vishwanath, 2011)⁵.

HISTORY AND DEVELOPMENT OF HONOUR KILLINGS IN TAMILNADU:

False impression had been created by the social media that the honour killings is something that is very recent in TamilNadu but that is not so it had its roots from the very ancient times itself nearly about 400 years ago says the history. These type of intentional and pre planned murders that is honour killings are practiced from the very 16th century itself and the victims of honour killings had been worshipped as demi gods in TN.

The following are the instances to it:

1. Kathavarayan’s story

He is worshipped as a demi god in certain parts of TamilNadu and he basically belongs to an oppressed caste who was killed for his love with a higher caste girl called Aariyamala.

2. Kaani’s story

Kaani basically belongs to backward caste who marries a girl of oppressed class and he lived with her secretly and when he searched a teacher for his child as per backward rules, people came to know about this and they killed him and brought his child to kaali temple and stabbed his child’s head and kept the same in the kaali temple.

3. Vengalarasan’s story

Vengalarasan’s daughter was loved by the Travancore king and when he came to capture her, vengalarasan to prevent the intermingling of castes beheaded his own daughter.

These stories had been described through various folk songs and they mentioned that whoever married out of their caste were killed and in those songs they had mentioned that they later go to Kailash to get boon from Lord Shiva.

³ Kirti, Anand. Kumar, Prateek. Yadav, Rachana. “The Face of Honour Based Crimes” 2011

⁴ Tanya D’Lima, Jennifer L. Solotaroff, Rohini Prabha Pand, For the Sake of Family and Tradition: Honour Killings in India and Pakistan, 2020, <https://doi.org/10.1177/2455632719880852>

CAUSES FOR HONOUR KILLINGS IN TAMILNADU⁶:

1. **Refusal to marry:** This is considered as one of the reasons for honor killing. In many cases we could find that rejecting the arranged marriage was one of the main causes of honor killing cases that took place in the India particularly TamilNadu.
2. **Marriage to a person outside caste or religion:** Marriage to a person outside caste or religion is also one of the causes of honor killing.
3. **Consensual extra-marital sex:** Extra-marital relationship is one of the reasons for honor killings inTN. When a married person includes a relationship with someone other than the spouse leads to violence in the family as well. That's how it is considered one of the causes of honor killings.
4. **Being a rape victim:** Being a victim of sexual assault is known to sometimes lead to honor killing. The family members think that she has destroyed their family honor in front of the society.
5. Seeking divorce or refusing to marry a man chosen by the family is also considered one of the reasons for honor killing.
6. Romantic relationships (real or alleged) before marriage are also considered as one of the reasons for honor killing.
7. **Lack of education:** Illiteracy plays a major role in the rise of crime in society.
Even though we can find these many causes for honour killings,99% of honour killings in Tamil Nadu mainly happen due to their intolerance to accept marrying outside the caste.

LEGISLATIVE FRAMEWORK RELATING TO "HONOR KILLINGS" IN INDIA:

There is no specific law in India that deals with heinous act of 'honour killing' and punishment associated with it. It is treated under the Indian Penal Code as it is not a crime listed separately in any of the laws. The below are the legal provisions regarding 'honour crimes' in India.

1. Constitutional Provisions:

The Constitution of India contains extensive provisions which enable an individual to exercise his choice, independent of caste, religion or sex, and protection from honor crimes. The following are provisions which prove it-

- Article 14: Guarantees every person the right to equality before the law or equal protection of the law on the territory of India.
- Article 15(1): Prohibits discrimination against any citizen on the basis of religion, race, caste, sex, place of birth or any of them.
- Art. 15(3): Not to prevent the state from taking special measures for women and children.
- Article 17: Abolition of untouchability
- Article 18: Abolishing the Titles
- Article 19: Right to freedom
- Article 21: Right to life and personal liberty.

NOTABLE FINDINGS REGARDING THE PROTECTION OF THIS RIGHT:

In the case of *Lata Singh v. State of U.P.*⁷, the Supreme Court observed and ordered that “It's a free and democratic country, and once you're a major, you can marry whoever you want. Sometimes we hear about "honor killings" of such persons who of their own free will undergo inter-caste/inter-religion marriage. There is nothing honorable about such killing, and in fact they are nothing but barbarous and shameful murders committed by brutal, feudal-minded persons who deserve severe punishment. Only then can we suppress barbaric acts.”

In *Arumugam Servai v. State of Tamil Nadu*⁸, In this case the Supreme Court stated that "It is completely illegal to kill or physically assault a young man/woman who marries against their will.

2. Indian Penal Code, 1860

Honour killings will generally be reported under the following provisions of the IPC.

- Sections 299-304: It penalizes any person guilty of murder and culpable homicide not amounting to murder. The punishment for murder is death or life imprisonment and shall also be liable to fine. The punishment for culpable homicide not amounting to murder is life imprisonment or imprisonment up to 10 years and fine.
- Section 307: It penalizes attempt to murder with imprisonment up to 10 years and fine. If a person is hurt, the offender shall be liable to life imprisonment or to such punishment as is hereinbefore mentioned.
- Section 308: It penalizes attempt to commit culpable homicide with imprisonment up to 3 years or with fine or with both. If it causes hurt to any person by such act, shall be punished with imprisonment for a term which may extend to 7 years or with fine or with both.
- Sections 120 A and B: It penalizes any person who is a party to a criminal conspiracy.
- Sections 107-116: It penalizes person for abetment of offences including murder and culpable homicide
- Sections 34 and 35: It penalizes criminal acts done by several persons in furtherance of common intention.

3. Indian Evidence Act, 1872

The Act contains provisions to punish those who suppress facts either before, during or after alleged crime. Section 13 of the Act deals with the relevance of facts when the terms of right or custom are in question. It says that-“On the question of the existence of any right or custom, the following facts are relevant.

⁵ Vishwanath, Jyothi and Palakonda, C. Srinivas. 2011. “Patriarchal Ideology of Honour and Honour Crimes in India”. International Journal of Criminal Justice

⁶Dr. Alka Bhatia, “Honour Killing- A study of the causes and remedies in its Socio Legal Aspects” 4(38) IIRJ 8 (2012). Pakistan, 2020, <https://doi.org/10.1177/2455632719880852>

⁷ (2006) 5 SCC 475.

⁸ (2011) 6 SCC 405.

- Any transaction by which a relevant right or custom has been created, claimed, modified, acknowledged, exercised or denied, or which contradicted its existence;

- Specific circumstances in which a right or custom was applied, recognized or exercised, or when their exercise was questioned, claimed or deviated from".

This Act is important to ensure justice for those who are victimized due to the verdicts of caste/Khap panchayats.

4. Special Marriage Act, 1954

The main object of this Act is to provide a special form of marriage for the people of India and all Indian nationals in foreign countries, irrespective of the religion or belief professed by either party; ensure the registration of certain marriage; and secure a divorce.

5. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Government of India enacted Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to prevent exploitation of weaker sections by other caste people in society, ensure social justice and give due respect to Scheduled Castes and Scheduled Tribes.

6. Protection of Women from Domestic Violence Act, 2006

The reason for passing this Act is to ensure more effective protection of the rights of women guaranteed by the Constitution who are victims of violence of any kind that occurs inside the family and for matters connected or related to it.

7. The prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2015

The draft law provides for the protection of individual freedom and the prevention of victimization, the prohibition of illegal gatherings and other actions, interfering with the freedom of marriage in the name of honor and tradition.

But unfortunately, this specific law regarding honour killing had been passed only in Rajasthan in the year 2019.

Honour Killing:

Honour killing, also known as honor killing or shame killing, is a form of violence in which a family member, typically male, murders another family member, typically female, who is believed to have brought shame or dishonor to the family. The motive behind honour killings is rooted in cultural, traditional, or religious beliefs that place a high value on family honor and often involve perceived violations of societal norms such as engaging in premarital or extramarital sexual relations, choosing a spouse against the family's wishes, or dressing in a way considered inappropriate by the family or community

⁹ Law Commission of India, 242nd Report on Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework, (August 2012).

¹⁰ Navratan Singh Fateh, Honour Killing, 35-37, 2012

¹¹ Ursula Smartt, "Honour Killing" 170 The Journal Dedicated to Magisterial and Local Government Law 4 (20

INITIATIVES TAKEN IN TAMILNADU TO CURB HONOUR KILLING:**1. 2022-“The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2022.”**

This bill was basically submitted by the Dalit Activists to the TamilNadu CM. This proposed legislation represents a significant step towards addressing and preventing crimes committed in the name of honor, particularly those related to forced marriages, honor killings, and other forms of violence against individuals exercising their fundamental rights to marriage and association.

While this bill is a commendable step in reducing honour crimes as well as upholding the individual fundamental rights of marrying a person of choice, challenges may arise in its implementation. These include ensuring widespread awareness of the legislation, addressing cultural and societal pressures, and overcoming resistance from individuals or groups perpetuating honor-based violence.

2. 2021-After the judgement being delivered to Murugesan and Kannagi case,TN government had laid the following guidelines.

- Special Cells and Helplines: The Tamil Nadu government has established special cells and helplines to address cases of honor killings. These cells are equipped to respond promptly to reports of threats or violence against couples in inter-caste or inter-religious marriages.
- Awareness Campaigns: The government has conducted awareness campaigns to educate the public about the illegality and immorality of honor killings. These campaigns aim to change societal attitudes and promote tolerance towards inter-caste and inter-religious marriages.
- Legal Measures: Tamil Nadu has taken legal measures to address honor killings, including the strict enforcement of laws against violence, threats, and harassment. Perpetrators of honor crimes are prosecuted to the full extent of the law.
- Crisis Intervention Centers: The state has established crisis intervention centers to provide immediate assistance to couples facing threats or violence due to their inter-caste or inter-religious marriages. These centers offer protection and support to victims.
- Financial Support: In some cases, the government provides financial support to couples who face opposition to their marriages and need assistance to start a new life together.
- Police Training: The police force has received training to handle honor killing cases sensitively and effectively. This includes training on the legal aspects of such cases and the importance of protecting the rights and safety of individuals in inter-caste or inter-religious marriages.
- Legal Aid: The government has provided legal aid to couples facing threats or violence in the form of free legal counsel to pursue legal action against perpetrators.
- Community Engagement: Efforts have been made to engage with community leaders and influencers to discourage and condemn honor killings. Encouraging local leaders to take a stand against such practices can have a significant impact on changing societal attitudes.

3. 2017-Hotline to prevent honour killings was created by the TamilNadu Police and it is basically the initiative created to eliminate the fear of family retribution to those couples who had done intercaste or interreligious marriages. This will be basically having a toll free number which will operate 24/7 for providing protection.
4. 2016-Made due to the rise in cases between 2011-2015: After the case law of B. Dilipkumar v. The Secretary to the Government, Madras High court has issued these directions to the TamilNadu State government and the TN has basically taken these initiatives.
 - Creation of special cells in each district, comprising a Superintendent of Police, District Welfare Officer and Adi-Dravid District Welfare Officer, to receive petitions/complaints of harassment and threats to couples in inter-caste marriages.
 - Creation of 24 hour helpline by special cells for receiving and registering complaints and providing necessary help/advice and protection to the couple.
 - State of Tamil Nadu to explore the possibility of automatic generation of FIR after receiving complaints from aggrieved couple through crime and crime monitoring network and systems.
 - A special cell created in each district is to regularly monitor the receipt of complaints through helpline or otherwise, their registration and the activities of the concerned police.
 - The Station House Officer would be required to provide protection to the couple moving within their jurisdiction.
 - It is peculiar to take proactive steps to provide counseling sessions to parents of aggrieved couples. The state is to allocate funds to be used by special cells to eradicate the menace of honor killings. In case of any unusual incident, the special cell is supposed to pin the responsibility on the officers who failed in their duty to protect the couples.

CASELAWS IN TAMILNADU:

LANDMARK CASES:

UDUMALAI SHANKAR CASE:

The Shankar murder case is a very prominent case of honor killing in the South Indian state of Tamil Nadu. Kousalya, an engineering student from the dominant Thevar community, loved and married Sankar Velusamy, who studied in the same college and belonged to the Dalit community. The couple had been married for 8 months when they were both attacked in broad daylight on March 13, 2016, by a gang of three armed men near Udumalaipet Town Busstand. While Sankar died on the spot, Kousalya sustained injuries and survived. The Sessions Court convicted six people including Chinnaswamy, Kousalya's father. The court found that it was a case of honor killing by Kousalya's father, who had married a lower caste man against his will. The court also ordered a compensation of ₹11.95 crore as compensation to be equally divided between Kousalya and Velusamy, Sankar's father. He was later acquitted by the Madras High Court for lack of evidence. Five others who were

previously sentenced to death also had their sentences reduced to 25 years of life imprisonment.

KANNAGI AND MURUGESAN CASE:

In 2003, S Murugesan, a 25-year-old man belonging to the Dalit community and D Kannagi, 22, hailing from the Vanniyar community, fell in love and subsequently got married on 5 May 2003. Murugesan, a chemical engineering graduate and Kannagi, a diploma holder have been in a relationship since their college days at Annamalai University in Chidambaram. On July 7, 2003, a young couple - Murugesan and Kannagi - were tied up in a public place in front of nearly 300 people in Puthukkoooraipettai village near Virudhachalam in Tamil Nadu - forced to drink poison and then their bodies burnt. In this particular case, the decision was made after 18 years and the convicts received life imprisonment.

RECENT CASES:

2023¹²-Subash (23), belonging to the Backward Class (BC), Nadar community, who was working in a knitting firm in Tiruppur, had an affair with Anasuya (25), hailing from Scheduled Caste. Subash father asked him not to continue with the relationship but he went against and married her and when Subash was called by his grandmother to visit her home, Subash father beheaded Subash and Anasuya was sustained with heavy injuries. 2022¹³- Aruna was studying nursing and she had confessed to her mother that she was in love with a man from another caste. Aruna was from the Thevar community (Tirunelveli) and she was in love with a person belonging to the Nadar community. When Aruna's mother came to know about this she killed her daughter and she tried to attempt suicide but she was rescued by her relatives.

KAVIN SELVA GANESH 2025

Kavin selva ganesh a dalit software engineer from Arumugamangalam in Thoothukudi district, working in Chennai. He was 27 years old. On July 27, 2025 Kavin visited his partner Subashini a siddha practitioner in KTC Nagar, Tirunelveli to consult about his ailing grandfather. He was lured by her brother Surjith under a false pretext and brutally hacked to death with a sickle about 200 meters away Subhashini brother. He was surrendered soon after the attack and was charged under the SC/ST (Prevention of Atrocities) Act and detained under the stringent Goondas Act. The case has been handed over to the crime branch- criminal Investigation Department (CB-CID) to ensure impartiality.

¹² Pramod Yadav, India Today, Apr 15, 2023, 18:47 IST, <https://www.indiatoday.in/india/story/tamil-nadu-man-kills-son-for-marrying-sc-woman-mother-for-protecting-grandson-2360450-2023-04-15>

Subhashini brother. He was surrendered soon after the attack and was charged under the SC/ST (Prevention of Atrocities) Act and detained under the stringent Goondas Act. The case has been handed over to the crime branch-criminal Investigation Department (CB-CID) to ensure impartiality.

SC/ST Act Assistance: The district administration offered 6 lakhs rupees in compensation under the SC/ST Act. Kavin's family protesting the delay in arresting key accused, refused to accept this aid.

RECOMMENDATIONS:

- The law commission didn't approve the proposal to amend Section 300 of IPC, as they found that to be suffice because both murder and honour killing are preplanned ,this is the main contention by which it disapproves ,but even though both are preplanned ,the underlying concern for honour killing that is "honour "won't be addressed if the same is punished under the provision of murder(Happen for many causes) and the other major provision in which the honour killing will be put under is culpable homicide but even though they share certain common elements, there are major differences too(Stated above in the differences). Punishing the honour killing under murder or culpable homicide is only the patchwork application of law and only when the legislation deals with the underlying concern of the crime; it will be curbed and sorted out in a appropriate way. Either the legislators should take a step to amend the existing IPC provision for example :in section 300 include the word honour or include a new provision in IPC for example Section 304 C for honour killing in the same line as Dowry death in section 304 B.
- And the second way to address this is to implement the specific bill that had been set out specifically for honour killing amidst various opposition from different angles that is The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2022 and The prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2015 in the same way as Sati Prevention act,1987,Dowry prohibition act,1961 etc.
- The criminal measures which will be introduced need to be strong and effective and no leniency should be provided on the ground of custom and tradition. The apex court's recommendation in the **Shakti Vahini vs Union of India (2018)** to introduce a new legislature for honour killing needs to be materialised.
- As this is a more serious crime which should be given decision efficiently ,fast track courts needs to be established because most of the honour killing cases will be given with a decision after long years.Example murugesan and kannagi case-decision gave after almost a decade.
- A comprehensive referral system needs to be established including police, medical personnel,teachers, NGOs, religious and other community leaders in order to ensure that potential victims are protected, crimes are reported and brought to justice.

¹³ Pramod Yadav,India Today,Nov 24,2022,08:36 IST, <https://www.indiatoday.in/crime/story/mother-honour-killing-daughter-love-man-another-caste-tamil-nadu-tirunelveli-2301006-2022-11-24>

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- According to census report, most of the victims to honour killing are women, so support programmes should be given to the women to make them aware of their rights especially their right to legal aid because laws and initiatives alone can't curb this evil.
- The main driving force behind the honour killing in TamilNadu particularly in South TamilNadu compared to other states is their intolerance to accept marrying outside the caste ;in order to eliminate their adamantness on the caste, intercaste marriages needs to be encouraged even more because already in TamilNadu intercaste marriages had been given with various benefits. Example :TamilNadu Marriage assistance scheme,2023
- Procedural law should also be amended in such a way that the entire process of delivering judgement have to be completed within a year as the sensitiveness of this case is high and the special cell should be established in every district to give protection to the couple who had done intercaste marriages and interreligious marriages.

People should be given awareness via media regarding the value of the life and how they have to adapt themselves to the civilised and the dynamic society and how they should live by slowly decreasing their determination towards caste. If they were able to decrease their rigidity on caste, we will be able to eradicate honour killing.

- I strongly suggest that along with laws along with the implementation of the initiatives which had been suggested by the judiciary, it is high time to come out of caste discrimination, bad traditions, male attitude of society, unwanted and exaggerated importance of so-called 'honour' of the community, which ultimately results in outright discrimination and insults like honor killing.

CONCLUSION:

Honor killing is done to preserve the grace and honor of the family. But murdering someone, especially someone close to your heart, is no honor; it's definitely not worth it. Because religion and laws are always subjective and open to interpretation, the domains of "religion" and "culture" cannot and must not be used as a pretext for murdering women or any individual. Each one has the right to a dignified and just existence. The high rate of honor killings in TamilNadu is not only a reflection of the prevailing strict religious and caste divisions in Indian society, but also an indicator of deep-rooted patriarchal structures that continue to control women's autonomy and decision-making. Ultimately, all honor killings enforce status hierarchies and are often used to signal caste superiority to other communities. Specific legislation dealing with honor killings would address several issues that existing criminal laws cannot, including providing protection to a couple who wishes to marry outside their religion, caste or community, sanctioning penalties for harassment, intimidation, kidnapping, coercion, imprisonment, assault etc and if the cases were registered under particular legislation, it will.