

Assessing The Role of Legal Frameworks in Preventing Honor Killings

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Abstract

Honor killings, a tragic and persistent form of gender-based violence, continue to impact women and marginalized groups in a variety of regions worldwide. These killings, which are frequently justifiable under cultural or traditional norms, underscore substantial deficiencies in the enforcement of human rights and legal protections. The objective of this investigation is to evaluate the effectiveness of current legal frameworks in the prevention of honor killings, with an emphasis on the obstacles encountered in the implementation of these laws and the prevention of this practice. The research investigates the potential of legal frameworks to serve as deterrents and guarantee accountability by analyzing legal reforms and judicial practices in countries where honor killings are prevalent. It also explores the obstacles that impede the legal system's capacity to comprehensively address honor killings, including societal norms, insufficient law enforcement, and victim-blaming attitudes. The study concludes with policy recommendations that are essential for the eradication of honor killings. These recommendations include the enhancement of societal awareness, the promotion of gender equality, and the strengthening of legal interventions. The complex issue of honor-based violence is ultimately addressed by emphasizing the necessity of a comprehensive legal approach that integrates effective legislation, appropriate enforcement, and social reform.

Keywords: Honor Killings, Legal Frameworks, Gender-Based Violence, Human Rights, Cultural Norms, Legal Reforms, etc.

Introduction

Honor killings, a cultural practice that is deeply ingrained, involve the assassination of individuals, primarily women, by family members who believe that the victim has brought disgrace or dishonor upon the family. Perpetrators frequently rationalize these crimes as essential for the restoration of the family's honor, which is rooted in traditional norms and patriarchal values³. Honor killings continue to occur in numerous regions across the globe, with a particularly high incidence in certain regions of South Asia, the Middle East, and North Africa. The problem of eradicating honor killings remains significant due to the failure of legal systems to effectively address such offenses and the profoundly entrenched societal norms, despite global efforts to combat gender-based violence.

The role of legal frameworks in the prevention of honor killings is essential for the purpose of deterring perpetrators, providing justice for victims, and reshaping societal attitudes. Nevertheless, in numerous countries, legal systems fail to adequately address these crimes, either by providing leniency to perpetrators through legal loopholes or by failing to challenge the cultural justifications behind such acts. Additionally, inadequate enforcement, inadequate awareness, and resistance from communities that are reliant on traditional beliefs frequently compromise the efficacy of legal frameworks⁴. This investigation investigates the interaction between cultural practices and legal structures in the context of honor killings. It evaluates the strengths and constraints of current legal frameworks and emphasizes the necessity of reforms to guarantee justice for victims and the prevention of future criminal activities. This research aims to contribute to the global discourse on human rights, gender equality, and justice for victims of honor-based violence by examining the successes and failings of various legal systems.

• The Historical Background of Honor Killings

The history of honor killings is multifaceted and varies across different cultures and regions. The motivations behind honor killings are frequently rooted in profoundly ingrained cultural, social, and patriarchal norms, and they have been documented in a variety of societies throughout history⁵. The historical context is summarized below:

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³ Abu-Rabia, A. (2011). Family Honor Killings: Between Custom and State Law. *The Open Psychology Journal*, 4, 34–44.

⁴ Aarti, D., & Kalnawat, M. (2021). INDIAN LEGAL FRAMEWORK ON HONOUR KILLING. *Symbiosis Law School Nagpur Multidisciplinary Law Review*, 1(1), 1–25. <https://books.google.co.in/books>

⁵ Doğan, R. (2014). Different Cultural Understandings of Honor That Inspire Killing: An Inquiry Into the Defendant's Perspective. *Homicide Studies*, 18(4), 363–388. <https://doi.org/10.1177/1088767914526717>

Ancient Societies: In ancient civilizations, the concepts of family honor, caste, as well as social status were of great importance, and honor-based violence can be traced back to these times. Individuals who were perceived to have violated these norms frequently faced severe repercussions as a result of the enforcement of rigid social norms.

- **Medieval and Renaissance Periods:**

Honor killings were documented around the globe throughout the medieval and Renaissance eras⁶. During this period, the upholding of social structures and family honor was especially noticeable.

Colonial Era: Social institutions changed throughout the colonial period, and conflicts between communities were sometimes made worse by the conflict between imperial influences and customs. Some contend that certain conservative and patriarchal traditions were maintained in part because of colonial actions.

Modern Era: Honor killings continue to occur in many parts of the world today due to a complicated interaction of social, cultural, and religious elements. These concerns have gained attention as a result of migration and globalization, as communities balance their traditional values with the impact of other cultures⁷.

Legislation and Human Rights: Honor killings have come to be recognized as human rights abuses on a worldwide scale over time. In order to confront and punish those responsible for honor killings, some nations have enacted legal changes. Advocacy groups and international organizations strive to counteract these abuses and increase awareness.

Research Methodology

The collecting of secondary data will be the main component of the study technique. The study will examine case studies, official publications, human rights group reports, legal papers, and current literature that addresses honor killings as well as the legal actions taken to combat this problem across the world. Scholarly publications, books, policy papers, legal databases, and pertinent international agreements or domestic legislation that attempts to stop honor killings will be the sources of the secondary data. By examining the implementation, enforcement, and results of different legal frameworks, a qualitative method will be used to assess how successful they are in preventing honor killings.

Main body

1. Causes and Methods of Honour Killings in India

The Causes and Remedies of Honor Killings in India Numerous variables and causes, many of which interact with one another, might be blamed for the incidence of honor killings:

- Dressing in a way that one's family or community finds disrespectful or inappropriate.
- The victim's desire to marry of her own free choice after rejecting an arranged marriage is one of the most frequent underlying motives of an honor killing. The reputation of the family will suffer if the marriage does not work out⁸. In January 2015, a girl was stoned to death by her father and brother because they thought she was in a "compromising position" with a boy from a different community; in 2014, a 21-year-old Delhi woman was the victim of an honor killing; her parents strangled her to death because they felt she had damaged their family's reputation by marrying a man from a different caste; and there have been numerous other incidents similar to these in recent years.
- Seeking a divorce: a woman who, without her husband's consent, is pursuing a divorce or legal separation. Honor killings may be started by somebody other than close relatives. In countries where marriages are arranged, divorce is sometimes seen as an insult to the men who negotiated the terms of the marriage contract and the trade of commodities between families⁹. When women turn to others to vent about marital issues, they are seen as embarrassing their families in public.
- Allegation and rumours about family members, in certain cultures: An allegation against a woman might have such a shaming impact that her family feels compelled to kill here.
- Becoming the victim of rape: After being raped, women often experience severe abuse from their family and communities, including honor killings. Because of the embarrassment they are seen to have caused to their families, women who have experienced rape are often stigmatized. This becomes much more urgent if the victim becomes pregnant. In many societies, a woman's honor depends on her being chaste until marriage. "A woman's virginity is the property of the men around her, first her father and then her husband; a virtual dowry as she graduates to marriage," writes author Suzanne Ruggi."

⁶ Miller, A. (2009). *A Sociological Analysis of Crimes of Honor: Examining the Effects of Higher Education on the Concepts of Honor and Notions of Gender Equality in Jordan*. https://digitalcollections.sit.edu/isp_collection

⁷ P. Chesler. (2010). *Worldwide trends in honor killings*. https://www.researchgate.net/publication/291960933_Worldwide_trends_in_honor_killings

⁸ Namrata Namrata. (2024). *Honor Killings in India | New College of Interdisciplinary Arts and Sciences*. <https://newcollege.asu.edu/global-human-rights-hub/fellows-program/ghr-fellows-blog/namrata>

⁹ Ramneet, A., & Arora, K. (2023). *Kesari Mahratta Trust-(Copyright-2023) Volume-I, Issue-I*. www.mahratta.org, editor@mahratta.org

Section 101: Murder

The word "murder" comes from the Germanic word *morth*, which means "secret killing." It describes the deliberate and illegal killing of one or more individuals with the specific intent to end the target's life. Hold on, the IPC defines murder as culpable homicide, which is simply not the definition of the crime, which does not even involve a deliberate act.

Even while not every murder is a homicide, every murder is a homicide. The concept of "murder" is given in Section 101 of the BNS, which also lists five situations in which culpable homicide should not be considered murder¹⁰.

Section 101 of the BNS outlines the procedure for classifying responsible homicide as murder. It states that any action that has the potential to result in death or that a person intends to kill someone is deemed murder. Culpable homicide is still not always considered murder in certain circumstances. These restrictions include situations like provocation, when someone loses control after being provoked. Self-defense, in which a person kills to avoid significant harm, and authorized public service, such when a police officer is carrying out their official duty. Additionally, certain deaths—such as those that occur during violent altercations, when both parties are equally responsible, or when authorization is given for potentially dangerous behavior—might not be considered murder.

Section 101 of BNS

Section 101 of the BNS provides a list of exceptions and defines responsible homicide as murder¹¹. Intent to cause death, actions that are very likely to cause death, and situations where culpable homicide is not regarded as murder—such as provocation, self-defense, legitimate public duties, unplanned altercations, and consent—are all included in the definition. Section 101 of BNS is part of CHAPTER VI OF OFFENCES AFFECTING THE HUMAN BODY in Bharatiya Nyaya Sanhita.

Statement:

Culpable homicide is murder, with the exceptions listed below,—

if the behavior that causes death is done with the intent to cause death; or

if the act that results in death is carried out with the knowledge that the victim would most likely die as a consequence of the injury;

if the act that causes death is committed with the intent to cause bodily harm to any person and the intended bodily harm is sufficient in the normal course of nature to cause death; or

if the person who does the act has no excuse for taking the chance of dying, even when they are aware that it is very risky and will almost certainly result in death or serious physical harm.

Definition of Section 103 of BNS

Section 103 of the BNS includes fines for murder in addition to the death sentence or life in prison. Murders perpetrated by organizations for discriminatory reasons are likewise included, along with severe penalties for all parties involved¹².

Murder Committed by a Single Person:

Crime Defined: It makes it clear that murder is a criminal act.

Punishment: Murderers may be subject to severe penalties, including:

Death Penalty: The death penalty is the worst punishment that involves a criminal's death.

Life Imprisonment: The punishment known as life imprisonment entails the offender being confined for the rest of their life.

Fine: The culprit may also be subject to a fine, the precise amount of which is often determined by the court, in addition to incarceration or the death sentence.

The severe penalties for murder, which are detailed in Section 101 of the BNS, are explained in Section 103. The death sentence, life in jail, and hefty fines are just examples of the penalties. Murders perpetrated by groups of individuals motivated by prejudice, such as hatred or bigotry against a certain group of people, are also included in this section¹³.

In these situations, the law severely punishes everyone in the group engaged in the murder's preparation or execution, not simply the ones who carry out the crime directly. This strategy seeks to hold everyone responsible and deter such risky and aggressive behavior in society.

¹⁰ Coldiron, W. H. (n.d.). Historical Development of Manslaughter. *Kentucky Law Journal*, 38. Retrieved February 3, 2025, from <https://uknowledge.uky.edu/klj/vol38/iss4/2>

¹¹ iPleaders. (2024). *Culpable homicide under Bhartiya Nyaya Sanhita, 2023* - iPleaders. <https://blog.ipleaders.in/culpable-homicide-under-indian-penal-code/>

¹² Indian Criminal Law Hub. (2024). *Section 103: Punishment for murder.* | Indian Criminal Law Hub. <https://bharatiyanayasanhita.online/ufaq/section-103-of-bns/>

¹³ Adv. Darpan Magon. (2024). *Section 103 of Bharatiya Nyaya Sanhita/Murder Punishment BNS/Section 103 BNS/Murder BNS/ Bare act.* <https://www.myjudix.com/post/section-103-of-the-bharatiya-nyaya-sanhita-bns-murder-punishment-bns-section-103-bns-murder-bns>

Section 103 of BNS

Section 103 of the BNS outlines the consequences for murder. A person faces the possibility of a fine, life in prison, or perhaps death if found guilty of murder. Additionally, anybody who joins a gang of five or more people who commit murder collectively based on a discriminating criteria, such as caste, sex, or race, faces the same punishments: life in prison or death and a fine.

2. Role of Judiciary in Preventing Honor Killings

The court is essential in stopping honor murders because it interprets the law, administers justice, and establishes precedents that ensure accountability and defend human rights. Honor murders are often justified by cultural or historic norms, despite being a blatant violation of fundamental rights including the right to life, liberty, and dignity. A proactive judiciary is crucial to halting such actions and fostering social change¹⁴.

2.1 Judicial Interpretation of Laws

In order to effectively fight honor murders, judges are crucial in interpreting present law. Even though honor murders are not expressly acknowledged in legal legislation, they are still criminal under murder or domestic violence statutes in many countries. The court might change the existing laws to classify honor murders as deliberate crimes. Courts often emphasize that cultural or societal justifications cannot be utilized to reduce punishment.

2.2 Precedents and Landmark Cases

Historic decisions have been crucial in addressing honor murders. These cases not only provide victims justice, but they also establish precedents that strengthen the judiciary's resistance to such behavior.

Case Examples: In landmark decisions, courts in countries like India, Pakistan, and Jordan have reaffirmed the unlawfulness of honor murders and imposed harsh penalties on those who commit them. For example, the Supreme Court of India declared in *Shakti Vahini v. Union of India* (2018) that honor murders were grave violations of human rights and issued directives to put an end to them¹⁵.

These decisions often highlight how accountable law enforcement, governmental organizations, and even the public are for safeguarding the most vulnerable.

1. Manoj and Babli case

Manoj & Anr. v. State of Haryana, 2010 (4) RCR (Criminal) 179 (P&H HC)

The honor killing of Indian newlyweds Manoj Banwala and Babli in June 2007 was the subject of the Manoj–Babli honor killing case, which was the first court case in which defendants were found guilty of honor killing. Babli's brother, maternal and paternal uncles, two cousins, and grandfather Gangaraj, who is said to have been a Khap leader, were among the people implicated in the murder. Manoj's family members defended the connection, particularly his mother. In their Karora village in Kaithal district, Haryana, a khap panchayat (khap), a religious body based on caste, gave the order for the murder. In defiance of social convention, the khap issued an order that forbade marriage. These caste-based councils have long been in operation with official support and are prevalent in the interior of various Indian states, such as Haryana, Punjab, western Uttar Pradesh, and portions of Rajasthan. In any case, the state administration did not voice any concerns over the khap panchayat's decision. The Khap panchayat's decision was predicated on the idea that Manoj and Babli were members of the Jat community's Banwala gotra, and as such, they were regarded as siblings even though they were not. Any marriage between them would be deemed invalid and incestuous. However, the couple proceeded with their marriage, after which Babli's family members kidnapped and murdered them (Indian Express, June 2007).

2. Nitish Katara Murder Case

Vikas Yadav v. State of U.P., (2016) 9 SCC 541

On February 17, 2002, Vikas Yadav, the son of Uttar Pradesh politician DP Yadav, killed Nitish Katara, a business entrepreneur and the son of an IAS official. Bharti Yadav, the daughter of DP Yadav, and Nitish had been dating for a while, but the girl's family disapproved of their relationship. The night of a friend's wedding, whom Nitish and Bharti both knew, was when he was murdered. On a roadway, Katara's corpse was discovered. He had been beaten to death with a hammer, and then he was covered with diesel and burned. Bharti's true brother Vikas, his cousin brother Vishal Yadav, and a hired contract assassin named Sukhdev Pehalwan were responsible for the murder. As a result of their kidnapping and murder of Katara, all three have now received life sentences. The Yadav family attempted to prevent Bharti from

¹⁴ Abul-Ethem, F. (2002). The Role of the Judiciary in the Protection of Human Rights and Development: A Middle Eastern Perspective. *Fordham International Law Journal*, 26(3). <http://ir.lawnet.fordham.edu/ilj>

¹⁵ Patwardhan, K., & Kumar, R. (2024). *When Honour Overrides Justice : The Evidence Act 's Role In Honour Killings In India*. 30(1), 5386–5391. <https://doi.org/10.53555/kuey.v30i1.8967>

being summoned as a witness throughout the protracted legal proceedings. Bharti denied being in a relationship with Nitish on many occasions when she was in court (India TV News).

3. Nirupma Pathak Murder Case

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Because she was seeing a guy from a lower caste, Nirupama Pathak, a writer for a Delhi-based business newspaper, was killed by her family in Jharkhand in May 2010. This PTI article claims that Nirupama was planning to wed Priyabhanshu Ranjan, a friend and coworker from her Indian Institute of Mass Communication in New Delhi, in an Arya Samaj temple. On April 29, Nirupama was discovered deceased under suspicious circumstances at her parents' home in Tilaya, Koderma district, Jharkhand. After that, her family accused Priyabhanshu of rape and aiding and abetting suicide, but this was ultimately shown to be untrue. At the time, Ramashankar Kanth, Priyabhanshu's father, told PTI, "My son is innocent." He has nothing to do with the matter. On the day of Nirupama's passing, my son told me that Nirupama had sent him an SMS stating that her mother, father, and brother had locked her in a toilet at their home. A post-mortem showed that the journalist was suffocated to death and that she was 10–12 weeks pregnant when she was murdered, despite her mother's claim that it was a suicide. After the police discovered a suicide note that Nirupama had signed, the judge released her mother from custody.

3. Role of Activist Judges in Setting Legal Standards

In places where there is little legislative action against honor murders, activist judges play a critical role in closing the gap. They challenge established societal norms that condone this kind of violence by adopting a human rights-based stance. These judges often provide strict decisions that not only punish violators but also challenge patriarchal systems that condone the conduct.

3.1 Judicial Oversight on Law Enforcement and Investigations

The court also ensures that law enforcement agencies conduct objective investigations and effectively prosecute offenders. Social biases and societal pressures often affect law enforcement personnel, which may lead to acquittals or weak cases. By mandating transparent investigations and holding officials accountable for negligence or conspiracy, judicial oversight mitigates these challenges¹⁶.

3.2 Providing Victim Protection through Judicial Orders

The courts have the power to provide protection orders in order to shield potential honor crime victims. Examples include restraining orders, witness protection protocols, and directives for law enforcement to respond quickly. By prioritizing the safety and security of those who are most in need of protection, courts may stop honor murders.

3.3 Promoting Awareness and Legal Literacy

The court also contributes to raising awareness of the immorality and illegality of honor killings via its rulings and orders. Court rulings often stress the need of social change and call on governments, non-governmental organizations, and communities to cooperate in ending this practice¹⁷.

4. Reasons of Honour Killing

The reality is that our culture is still controlled by concepts and beliefs that link sexual relationships to family dishonor and justify killing a close cousin in the name of revenge, regardless of how many reasonable arguments are put forward. However, some justifications for honor killings include:

4.1 Mentality:

Even now, society still finds it difficult to recognize weddings that occur inside or outside of the same gotra. People in today's culture utilize vague arguments such as caste mobilization and restrictions on other castes to support their opposition to the opportunity to pick a mate.

4.2 Khap Panchayat:

In an attempt to further establish their status and authority, the higher castes and the rich in 14th-century India often met as Khap Panchayats. Today, a significant majority of these groups are male. The ensuing anarchy may be severe when there are no constitutional checks and balances in place, such as a Panchayat Smiti or a gathering to draft a new constitution. Before laws clearly recognizing and protecting individual rights were in place, Khap Panchayat decisions would have had some weight, but now that they are, there is no longer any reason why such an organization should exist¹⁸.

¹⁶ Sathe, S. P. (2001). Judicial Activism: The Indian Experience. *Law & Policy*, 6. https://openscholarship.wustl.edu/law_journal_law_policy/vol6/iss1/3

¹⁷ Sneha, S., Sarathi, S., Kumar, P. S., Rajesh, R., & Jagdish Kamal, C. U. (2020). Perspective on the immorality of Honor Killings-A review article. *Medico-Legal Update*, 20(1), 68–71. <https://doi.org/10.37506/v20/i1/2020/mlu/194296>

¹⁸ Singh, V. K. (n.d.). A Comparative Study on Different Gotra Marriages versus Inter-Caste and Inter-Religious Marriages: Cultural, Social, and Genetic Implications. *IJFMR*240527845, 6(5). Retrieved February 3, 2025, from www.ijfmr.com

4.3 Sex Ratio:

Honor killings are also on the increase because of the growing gender imbalance. Because of the low sex ratio, girls are being purchased for weddings, and honor killings are taking place. They are simply another commodity, these females. Demographers describe the majority Jat caste in western Uttar Pradesh and Haryana as being affected by a "male marriage squeeze." The male marriage pool is gradually being reduced as fewer women are born into each new cohort and more males are staying single, resulting in sex ratios in the low 800s. Unless they go to Assam, West Bengal, Kerala, or any of many other states in search of a suitable bride, one in four males in Haryana are unlikely to ever be married.

4.4 Politician future:

The main reason political leaders want to protect Khap Panchayat is to ensure their own electoral success. So-called "serious" Members of Parliament (MPs) like Chautala and Naveen Jindal support them. Kangaroo courts are intrinsically unjust, unethical, and illegal.

4.5 Status:

More important than the position one really achieves is the status one is granted. A person is involuntarily allocated to a certain social class when they are born into it. The issue has been fixed. However, a status that has been attained is one that has been obtained with hard work and achievement.

4.6 Inter, intra-caste marriage:

In today's culture, love weddings between members of other castes are still discouraged and often result in drastic actions like murder.

4.7 Decision by Male Community:

Usually, a male member of the community makes the choice that results in an honor killing. When community members, mostly males, feel threatened by their dominating status, they carry out these crimes in an effort to quiet any possible opponents¹⁹.

4.8 Prestige of Every Caste:

Not only those with greater social rank engage in the practice of killing someone to exact revenge for a perceived wrong; people with lower social status also often engage in this behavior. To demonstrate that they are as honorable as everyone else, they commit such horrible atrocities.

CONCLUSION

In conclusion, the Bharatiya Nyaya Sanhita (BNS) provides a critical framework for addressing honor killings, with its provisions on culpable homicide and murder offering the potential for robust legal responses. Section 103's imposition of severe penalties, such as life imprisonment or the death penalty, for individuals convicted of murder serves as a deterrent to the crime, particularly in instances where honor-related violence is present. Nevertheless, the BNS presents a variety of legal instruments that can be used to penalize perpetrators; however, there are still substantial obstacles to its implementation. The evasion of justice and underreporting are frequently the result of societal norms, familial pressures, and cultural barriers that impede effective law enforcement. Strengthening law enforcement training, establishing more specialized tribunals and fast-track mechanisms, and raising public awareness are all necessary for the BNS to be genuinely effective in combating honor killings. In addition, the incorporation of legal provisions that specifically address honor killings, which are distinct from other forms of homicide, could aid in the identification and prosecution of such cases with greater precision. Ultimately, the BNS establishes the foundation for addressing honor killings; however, it is imperative to implement a comprehensive strategy that includes legal reform, societal transformation, and enhanced law enforcement in order to eradicate this profoundly ingrained societal issue. Preventing honor killings and safeguarding the fundamental rights and dignity of individuals, particularly women, from being undermined by discriminatory practices and traditions can only be achieved through the implementation of comprehensive measures.

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