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**UNIFORM CIVIL CODE AND HONOUR-BASED CRIMES: A  
PREVENTIVE CRIMINAL LAW PERSPECTIVE**

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**ABSTRACT**

Honour-based crimes represent one of the most brutal manifestations of patriarchal control over individual autonomy resulting in thousands of victims across India annually. Despite unequivocal constitutional protection of the right to choose one's partner and consistent judicial condemnation of honour killings the Indian legal system continues to grapple with effective prevention and punishment of such offences. This paper examines the intersection between the proposed Uniform Civil Code (UCC) and the criminal justice response to honour-based crimes through the lens of preventive criminal law with particular emphasis on the newly enacted Bharatiya Nyaya Sanhita (BNS) 2023 and the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023. It argues that the absence of a uniform civil framework creates normative conflicts that enable honour-based violence to flourish while simultaneously hampering effective criminal law enforcement. The paper analyses the substantive and procedural provisions of the BNS and BNSS evaluates their adequacy in addressing honour crimes and proposes an integrated approach combining uniform civil norms with specialised criminal provisions to achieve meaningful prevention.

**KEYWORDS:** Uniform Civil Code, Honour Killing, Honour-Based Crimes, Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023, Preventive Criminal Law, Khap Panchayats.

**1. INTRODUCTION**

The phenomenon of honour-based violence constitutes one of the most disturbing paradoxes in contemporary Indian society: acts of extreme brutality committed in the name of preserving social virtue. When individuals are murdered assaulted or subjected to grievous

harm by their own family members or community elders for exercising the fundamental right to choose a life partner the criminal justice system confronts challenges that extend far beyond ordinary homicide. These crimes are not merely violations of penal law; they represent a collision between constitutional morality and deeply entrenched social norms between individual autonomy and collective notions of family honour.

The term "honour killing" itself is a misnomer as the Supreme Court of India has repeatedly emphasised that there is nothing honourable about such acts. In *Bhagwan Dass v. State (NCT of Delhi)* the Court observed that "honour killings are nothing but barbaric and brutal acts by which a person is murdered by members of his family or community for bringing 'shame' or 'dishonour' to the family." Yet despite judicial condemnation spanning nearly two decades honour-based crimes continue unabated with official figures representing only a fraction of actual incidents. The National Crime Records Bureau recorded merely 18 cases of honour killings in 2022 a figure that civil society organisations estimate represents less than ten per cent of the true incidence.

Two intersecting legal debates frame the response to this crisis. The first concerns the long-pending demand for a Uniform Civil Code (UCC) rooted in Article 44 of the Constitution which directs the State to endeavour to secure a uniform civil code for citizens throughout India. The second involves the adequacy of criminal law provisions particularly following the comprehensive reform of India's penal framework through the BNS and BNSS in 2023. This paper contends that these two debates are inextricably linked: the absence of uniform civil norms creates spaces where honour-based violence can thrive while the preventive potential of criminal law remains unrealised without corresponding civil law reform.

The preventive criminal law perspective adopted herein focuses not merely on punishment after the fact but on the institutional mechanisms legal structures and enforcement strategies that can forestall honour-based violence before it occurs. From this vantage point the paper examines how the BNS and BNSS either facilitate or impede prevention and how a Uniform Civil Code might complement and strengthen the criminal justice response.

## **2. Understanding Honour-Based Crimes: Conceptual Framework and Social Context**

### **2.1 Defining Honour-Based Violence**

Honour-based crimes encompass a spectrum of violent acts committed primarily against women and girls though increasingly against men as well where the purported motivation is the protection of family or community honour. These include murder (honour killing) assault abduction forced confinement forced marriage and various forms of coercion and

intimidation. The distinguishing feature is not the nature of the act but its social meaning: the violence is perpetrated because the victim is perceived to have brought dishonour upon the family through conduct deemed unacceptable by community norms.

The definitional challenge has significant legal implications. Without a statutory definition honour-based crimes are prosecuted under general penal provisions that fail to capture their distinctive features. The Vidhi Centre for Legal Policy notes that "not a single law exists at the national level to prevent and punish honour killings," with perpetrators prosecuted under generic categories such as murder attempt to murder and criminal conspiracy. This "legal invisibility of social motives" means that the casteist or patriarchal intent behind the crime often goes unacknowledged potentially affecting both the severity of punishment and the effectiveness of prevention.

## **2.2 The Social Architecture of Honour**

Understanding honour-based crimes requires examining the social structures that sustain them. At the heart of this architecture lies the institution of caste which continues to regulate marital alliances despite constitutional prohibitions against caste discrimination. Inter-caste marriages threaten the foundational principle of caste endogamy provoking violent responses from families and communities invested in maintaining caste boundaries. Similarly inter-religious marriages challenge community identity and are frequently met with extreme sanctions.

The role of extra-legal bodies such as khap panchayats is particularly significant. These community councils prevalent in parts of North India exercise de facto authority over social matters including marriage and have been implicated in numerous honour killings. In *Shakti Vahini v. Union of India* the Supreme Court condemned khap panchayats for "assuming the role of a court in deciding matters pertaining to marriages between two consenting adults" and directed state authorities to take proactive measures against their interference. Despite this judicial directive khap panchayats continue to operate with impunity in many regions.

## **2.3 The Gendered Dimensions of Honour**

Honour-based violence is profoundly gendered reflecting patriarchal control over female sexuality and autonomy. Women bear the disproportionate burden of family honour their bodies serving as repositories of collective reputation. A daughter's choice of partner, her mobility her dress and her conduct all become matters of family honour subject to surveillance and sanction. When women transgress prescribed boundaries they invite violence not only from male family members but often from female relatives as well demonstrating how patriarchal norms are internalised and enforced across genders.

The Supreme Court has consistently recognised the constitutional dimension of this gendered violence. In *Lata Singh v. State of U.P.* the Court held that "once a person becomes a major he or she can marry whosoever he/she likes," and that any interference with such marriages by families or communities is "wholly illegal." More recently in *Asha Ranjan v. State of Bihar* the Court affirmed that the choice of a woman's partner is a legitimate constitutional right under Article 19 which cannot be curtailed by groups claiming to protect "class honour."

#### **2.4 The Gap Between Constitutional Rights and Social Reality**

Despite clear constitutional pronouncements a yawning gap persists between law and social practice. The right to marry by choice unequivocally established by the Supreme Court remains unrealised for countless individuals facing family opposition. This gap reflects deeper tensions within Indian society between individual rights and community norms between constitutional morality and social morality. The criminal justice system tasked with enforcing constitutional rights against social opposition often finds itself overwhelmed by the challenges of investigation prosecution and prevention in cases where entire communities close ranks against the victim and the state.

### **3. The Uniform Civil Code Debate: Constitutional Promise and Political Reality**

#### **3.1 Article 44 and the Constitutional Vision**

Article 44 of the Constitution of India part of the Directive Principles of State Policy provides that "the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India." The inclusion of this provision reflected the constituent assembly's vision of a unified nation transcending religious divisions in matters of personal law. Dr. B.R. Ambedkar while defending the provision argued that a uniform civil code would promote national integration and gender justice though he acknowledged the political sensitivities involved.

The directive principles while not enforceable by courts are fundamental to the governance of the country. Article 37 explicitly states that it shall be the duty of the State to apply these principles in making laws. The uniform civil code thus represents not merely a policy option but a constitutional obligation albeit one whose fulfilment has been deferred for over seven decades.

#### **3.2 Personal Laws and the Fragmentation of Civil Status**

The absence of a uniform civil code means that matters such as marriage, divorce, inheritance and adoption are governed by religious personal laws applicable to different communities. Hindus are governed by the Hindu Marriage Act 1955 and the Hindu Succession Act 1956;

Muslims by their personal law partly codified and partly uncodified; Christians by the Indian Christian Marriage Act 1872 and the Indian Divorce Act 1869; and Parsis by the Parsi Marriage and Divorce Act 1936. This fragmentation of civil status has profound implications for honour-based crimes.

Most significantly personal laws contain varying provisions regarding the age of marriage and the requirements for a valid marriage. Under Muslim personal law as interpreted by some schools a girl who has attained puberty (presumed at fifteen years) may contract a valid marriage. This stands in direct conflict with the Prohibition of Child Marriage Act 2006 which sets the minimum age of marriage at eighteen for women and twenty-one for men and with the Protection of Children from Sexual Offences (POCSO) Act 2012 which criminalises all sexual activity with persons below eighteen.

### **3.3 The Delhi High Court's Intervention: A Turning Point?**

The conflict between personal laws and criminal law received significant judicial attention in the Delhi High Court's September 2025 judgment in *Hamid Raza v. State of NCT of Delhi*. Justice Arun Monga while granting bail to a Muslim man accused of marrying a minor posed a series of searching questions about the relationship between personal laws and criminal liability:

"The recurring conflict is clear i.e. under Islamic law a minor girl attaining puberty may lawfully marry but under Indian criminal law such a marriage renders the husband an offender under the BNS and/or POCSO or both. This raises a stark dilemma viz. should society be criminalised for adhering to long-standing personal laws? Is it not the time to move towards a Uniform Civil Code (UCC) ensuring a single framework where personal or customary law does not override national legislation?"

The Court recognised that opponents of the UCC caution that uniformity risks eroding religious freedom guaranteed under Article 25. However it firmly stated that "such freedom cannot extend to practices that expose individuals to criminal liability." This observation is crucial for understanding the relationship between civil uniformity and criminal law: where personal laws create exceptions to generally applicable criminal prohibitions they undermine the uniform enforcement of criminal law and create spaces where vulnerable individuals particularly women and girls are left unprotected.

### **3.4 The Proposed Middle Path: Standardising Core Protections**

The Delhi High Court suggested a "pragmatic middle path" whereby core protections such as prohibiting child marriages across the board with penal consequences could be standardised while less contentious personal matters might be allowed to evolve gradually within

respective communities. This approach recognises that complete uniformity in all matters of personal law may be politically unattainable in the near term but that certain fundamental protections cannot be compromised without undermining constitutional guarantees of equality and life with dignity.

From the perspective of honour-based crimes prevention the standardisation of core protections would address a critical vulnerability. When personal laws permit marriages that criminal law prohibits couples entering such unions are exposed to heightened risk of family violence. Their marriages though valid under personal law may be treated as illegitimate by the state denying them access to protective mechanisms. Moreover the existence of conflicting norms provides rhetorical ammunition to those who would justify honour-based violence as preserving community values against state interference.

#### **4. Preventive Criminal Law: Theoretical Framework**

##### **4.1 From Punishment to Prevention**

Traditional criminal law focuses primarily on punishment after the fact responding to completed offences through prosecution and sentencing. Preventive criminal law by contrast seeks to intervene before harm occurs using legal mechanisms to forestall criminal acts. This preventive orientation is particularly important in the context of honour-based crimes where the consequences death serious injury irreversible harm cannot be adequately addressed through post facto punishment alone.

The shift toward prevention requires reimagining the role of criminal law institutions. Police prosecutors and courts must be empowered and obligated to act before violence occurs not merely in response to it. This involves identifying threats intervening in dangerous situations and creating conditions that reduce the likelihood of honour-based violence. It also requires addressing the social and normative environments that sustain such violence.

##### **4.2 Criminalisation as Prevention**

One preventive strategy involves criminalising conduct that creates conditions for honour-based violence. This includes offences such as criminal intimidation, unlawful assembly and conspiracy which target preparatory acts rather than completed violence. Section 61 of the BNS (corresponding to Section 120B IPC) penalises criminal conspiracy enabling prosecution of family members and community elders who plan honour killings even if the actual murder is not completed.

The criminalisation of khap panchayat directives and similar extra-legal pronouncements represents another preventive approach. When community bodies issue diktats against

marriages or threaten couples with violence such conduct can be prosecuted as criminal intimidation or abetment potentially forestalling more serious violence. The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill 2019 though currently in legislative limbo exemplifies this approach by specifically criminalising the convening of unlawful assemblies to interfere with marriages.

#### **4.3 Procedural Mechanisms for Prevention**

Preventive criminal law also encompasses procedural mechanisms designed to protect potential victims and enable early intervention. These include provisions for anticipatory bail witness protection and interim protection orders. The BNSS introduces several provisions that while not specifically designed for honour crimes can be leveraged for preventive purposes.

Section 482 of the BNSS for instance empowers courts to pass orders for the protection of witnesses including measures to prevent their intimidation. In honour crime cases where witnesses are often family members or community insiders subject to immense pressure such protections are essential for ensuring that threats can be reported and investigated before they escalate to violence.

#### **4.4 The Limits of Criminal Law Prevention**

While preventive criminal law offers important tools its effectiveness is constrained by structural factors. Police reluctance to intervene in family matters community pressure on law enforcement and the difficulty of predicting violence all limit the reach of preventive measures. Moreover criminal law alone cannot transform the social norms that sustain honour-based violence. Prevention requires complementary strategies involving education community engagement and social reform domains where civil law and policy play crucial roles.

### **5. Honour-Based Crimes Under the Bharatiya Nyaya Sanhita 2023**

#### **5.1 The New Penal Framework**

The Bharatiya Nyaya Sanhita 2023 which replaces the Indian Penal Code 1860 represents the most comprehensive reform of India's substantive criminal law in over 160 years. While retaining the basic structure of the IPC the BNS introduces new offences revises punishments and renumbers provisions. For honour-based crimes the key provisions remain those relating to murder, attempt to murder and criminal conspiracy though their section numbers have changed.

### **5.2 Section 103 BNS: Punishment for Murder**

Section 103 of the BNS corresponds to Section 302 of the IPC prescribing punishment for murder. The provision states:

"Whoever commits murder shall be punished with death or imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and shall also be liable to fine."

This provision applies to honour killings which fall within the definition of murder under Section 101 BNS (corresponding to Section 300 IPC). Where a person is killed with the intention of protecting family honour and the killing satisfies the requirements of murder intention to cause death knowledge that the act is likely to cause death etc. the offence is complete under Section 103.

The Supreme Court has held that honour killings fall within the category of "rarest of rare" cases warranting capital punishment. In *Bhagwan Dass v. State (NCT of Delhi)* the Court observed that "honour killing is a barbaric act and a slur on the nation" and affirmed that such cases justify the imposition of the death penalty. Section 103 BNS maintains this sentencing framework though the ultimate decision on punishment rests with the court based on case-specific circumstances.

### **5.3 Section 109 BNS: Attempt to Murder**

Section 109 BNS (corresponding to Section 307 IPC) penalises attempts to commit murder. The provision applies where an accused does an act with the intention or knowledge that if the act caused death the accused would be guilty of murder. In honour crime contexts this section becomes relevant where family members attack a couple but the victim survives or where violence is intercepted before it proves fatal.

The punishment under Section 109 varies based on the harm caused. Where the act causes hurt to any person the accused may be punished with imprisonment of either description for a term which may extend to life imprisonment or with fine or with both. If the act does not cause hurt the punishment may extend to ten years' imprisonment. This gradation allows courts to calibrate punishment based on the actual consequences of the attempt.

### **5.4 Section 61 BNS: Criminal Conspiracy**

Section 61 BNS (corresponding to Section 120B IPC) penalises criminal conspiracy. Where two or more persons agree to do an illegal act or to do a legal act by illegal means and such agreement is followed by an overt act the offence of criminal conspiracy is complete. In honour killing cases this provision enables prosecution of all family members and community

leaders who participate in planning the killing even if they do not personally commit the murder.

The importance of conspiracy provisions in honour crime cases cannot be overstated. Honour killings are rarely the act of a single individual; they typically involve collective decision-making by family councils or community bodies. By enabling prosecution of all conspirators Section 61 BNS addresses the collective nature of honour-based violence and holds accountable those who orchestrate killings from behind the scenes.

### **5.5 New Offences: Organised Crime and Terrorism**

The BNS introduces new offences of organised crime (Section 111) and terrorist acts (Section 113) that may have relevance to honour-based violence in certain contexts. Section 111 defines organised crime to include continuing unlawful activity by an individual or group using violence intimidation or other means to achieve economic or other gain. While honour killings are not typically motivated by economic gain the provision's reference to "continuing unlawful activity" by groups could potentially encompass the activities of khap panchayats and similar bodies engaged in systematic interference with marriages.

Section 113 deals with terrorist acts defined as acts intended to threaten the unity, integrity, security or economic security of India or to strike terror in any section of the people. The reference to "any section of the people" could arguably encompass acts intended to terrorise couples in inter-caste or inter-religious relationships though this interpretation remains untested.

### **5.6 The Persistence of Gaps: What BNS Does Not Address**

Despite these provisions significant gaps remain in the BNS's treatment of honour-based crimes. Most fundamentally the BNS does not create a separate offence of honour killing or honour-based violence. Such crimes continue to be prosecuted under general provisions that fail to capture their distinctive features. This has several consequences:

First the motive of protecting "honour" remains legally invisible potentially affecting sentencing outcomes. In criminal jurisprudence motive is a crucial factor in determining punishment. Where honour killings are prosecuted simply as murder the specific gravity of the offence its roots in patriarchal and casteist norms its collective nature its targeting of constitutional rights may not be fully reflected in sentencing.

Second, the absence of a specific offence means that data on honour killings remains unreliable. The NCRB only began tracking honour killings as a separate motive in 2014 and the figures remain grossly understated. Without accurate data evidence-based policymaking and targeted enforcement become impossible.

Third, the general provisions do not address the distinctive evidentiary challenges of honour crime cases. Where entire families and communities close ranks against the victim obtaining witnesses and evidence becomes extraordinarily difficult. Specialised provisions on witness protection burden of proof and investigative procedures are needed but absent.

## **6. Procedural Dimensions: The Bharatiya Nagarik Suraksha Sanhita 2023**

### **6.1 The New Procedural Code**

The Bharatiya Nagarik Suraksha Sanhita 2023 replaces the Code of Criminal Procedure 1973 establishing a new procedural framework for criminal justice administration. While largely retaining the structure of the CrPC, the BNSS introduces several reforms relevant to the prevention and prosecution of honour-based crimes.

### **6.2 Investigation and Timelines**

Section 193 of the BNSS requires that investigation reports be filed within specified timeframes: 60 days for offences punishable with imprisonment of less than ten years and 90 days for offences punishable with imprisonment of more than ten years life imprisonment or death. These timelines are intended to expedite investigations and reduce delays in the criminal justice process.

In honour crime cases timely investigation is critical. Evidence may be destroyed witnesses may be intimidated and families may exert pressure to close ranks. The BNSS timelines create a framework for accountability though their effectiveness depends on police compliance and judicial oversight.

### **6.3 Arrest and Remand Provisions**

The BNSS retains provisions for arrest without warrant for cognizable offences which include murder, attempt to murder and criminal conspiracy. Section 35 of the BNSS lists the requirements for arrest including the existence of reasonable complaints or credible information. In honour crime cases where threats may be imminent the power of arrest without warrant enables preventive intervention.

However the BNSS also introduces provisions for the fragmentation of police custody that have raised concerns. The 15-day detention period may now be carried out in parts during the initial 40, 60 or 90 days a provision that the Parliamentary Standing Committee noted "could be susceptible to misuse by authorities." In honour crime cases where family members may use custody to pressure accused persons this fragmentation could potentially be exploited.

#### **.4 Witness Protection**

Section 398 of the BNSS empowers courts to pass orders for the protection of witnesses building on the framework established by the Witness Protection Scheme 2018. Witness protection is particularly crucial in honour crime cases where witnesses face threats not only from accused individuals but from entire family and community networks. The effectiveness of witness protection measures directly affects the viability of prosecutions.

#### **6.5 Audio-Video Recording and Technology**

The BNSS introduces formal provisions for audio-video recording of various proceedings including the recording of evidence. Section 176 mandates the use of audio-video means for recording statements of victims of certain offences while Section 183 requires that searches and seizures be video-recorded. These technological provisions can strengthen evidence collection in honour crime cases creating records that are less susceptible to manipulation.

#### **6.6 Fast-Track Trials**

Section 403 of the BNSS provides for the conduct of trials in a speedy manner though it does not specifically mandate fast-track courts for honour crimes. The Supreme Court in *Shakti Vahini* recommended the establishment of fast-track courts for honour killing cases recognising that prolonged trials exacerbate the vulnerabilities of victims and witnesses.<sup>[18]</sup> The BNSS does not implement this recommendation leaving it to state governments to establish special courts on an ad hoc basis.

#### **6.7 The Commitment Procedure and Its Implications**

Section 232 of the BNSS governs the commitment of cases to Sessions Courts requiring that commitment occur within 90 days of taking cognizance extendable to 180 days for reasons to be recorded. This timeline is intended to ensure that serious cases proceed expeditiously to trial. However in honour crime cases where accused persons may include influential community members delays in commitment can be exploited to pressure victims and witnesses.

#### **6.8 Procedural Gaps and Challenges**

Despite these provisions the BNSS leaves several procedural gaps unaddressed. Most significantly it does not create a specialised procedure for honour crime cases despite their distinctive features. The Parliamentary Standing Committee on Home Affairs while examining the BNSS recommended various amendments but did not specifically address honour crimes.

The absence of specialised procedures means that honour crime cases are processed through the ordinary criminal justice system with its well-known delays inefficiencies and

vulnerabilities. The BNSS's attempt to address these through general provisions may be insufficient for cases where entire communities are aligned against the victim and the state.

## **7. Judicial Responses and the Evolution of Legal Principles**

### **7.1 The Supreme Court's Consistent Condemnation**

The Supreme Court of India has consistently condemned honour killings and affirmed the constitutional right to marry by choice. This judicial pronouncements while not substituting for legislation have established important legal principles and directed state action.

In *Lata Singh v. State of U.P.* (2006) the Court held that inter-caste marriages are in the national interest and directed police authorities to provide protection to couples facing threats. The Court observed that "there is nothing honourable in such killings" and that they represent "a slur on the nation."

In *Bhagwan Dass v. State (NCT of Delhi)* (2011) the Court addressed the sentencing framework for honour killings holding that they fall within the "rarest of rare" category warranting capital punishment. The Court emphasised that honour killings are "barbaric and brutal acts" that cannot be justified under any cultural or social practice.

### **7.2 *Shakti Vahini v. Union of India* (2018): A Comprehensive Framework**

The most comprehensive judicial pronouncement on honour crimes came in *Shakti Vahini v. Union of India* where the Supreme Court addressed the role of khap panchayats and other extra-legal bodies in perpetrating honour-based violence. The Court held:

- Khap panchayats have no authority to interfere with marriages between consenting adults
- Any directive issued by such bodies against marriages is illegal and unenforceable
- State authorities must take proactive measures to prevent khap panchayats from convening to consider marital disputes
- Complaints regarding threats to couples must be investigated promptly
- Safe houses may be established for threatened couples
- Fast-track courts may be established for honour killing cases

The Court also recommended that Parliament consider enacting a specific law against honour crimes though this recommendation has not been implemented.

### **7.3 *Asha Ranjan v. State of Bihar* (2022): Affirming Autonomy**

In *Asha Ranjan* the Supreme Court reaffirmed that the choice of a woman's partner is a legitimate constitutional right under Article 19 which cannot be curtailed by groups claiming to protect "class honour." The Court emphasised that the freedom of association and privacy protect an individual's autonomy to select a spouse.

#### **7.4 The Kerala-Tamil Nadu Honour Killing (2025)**

In a 2025 judgment concerning an inter-caste murder involving a couple from Kerala and Tamil Nadu the Supreme Court observed that at the root of such crimes lies "the deeply entrenched hierarchical caste system" and held that honour murders "must get a strong measure of punishment." This observation recognises the structural dimensions of honour-based violence linking individual acts of violence to broader systems of caste oppression.

#### **7.5 The Limits of Judicial Intervention**

Despite these progressive pronouncements judicial intervention has inherent limitations. Courts can interpret laws direct state action and punish offenders but they cannot enact legislation establish institutional frameworks or transform social norms. The implementation of judicial directions depends on executive will and administrative capacity both of which remain inconsistent across states.

Moreover judicial pronouncements however emphatic do not automatically translate into changed behaviour on the ground. The persistence of honour-based violence despite nearly two decades of judicial condemnation testifies to the limits of judicial intervention in the absence of comprehensive legislative and executive action.

### **8. Legislative Attempts and the Question of Special Legislation**

#### **8.1 The Law Commission's 242nd Report (2012)**

The Law Commission of India examined the question of honour killings in its 242nd Report (2012) and recommended a draft Bill titled "The Prohibition of Unlawful Assembly (Interference with Matrimonial Alliances) Bill." The proposed legislation sought to criminalise the convening of unlawful assemblies including khap panchayats for the purpose of interfering with marriages between consenting adults.

Notably the Law Commission stated that there was "no need" to add a separate offence of honour killing to the IPC since existing murder provisions were adequate. This opinion which has been questioned by many legal scholars contributed to the policy inertia that continues to characterise the legislative response to honour crimes.

#### **8.2 The Rajasthan Experiment**

Rajasthan became the first and only state to pass legislation specifically addressing honour-based violence. The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill 2019 declared that arranging unlawful assemblies to stop marriages or harassing couples constitutes an offence. The Bill prescribed

death or life imprisonment if a marriage subject to such interference results in a death and empowered district officials to prevent assemblies and protect couples.

However in January 2026 the Rajasthan Governor returned the Bill citing that Section 103 of the BNS was sufficient to deal with honour killings. The government also noted that the Bill dealt with provisions of the IPC and CrPC both of which had been repealed and replaced by the BNS and BNSS. This development highlights the challenges of state-level legislation in a field where criminal law is constitutionally a concurrent subject and where central legislation may be necessary for comprehensive reform.

### **8.3 The Case for Special Legislation**

The question of whether India needs a special law against honour crimes remains contested. Proponents argue that:

- Honour crimes have distinctive features, collective perpetration, community endorsement, targeting of constitutional rights that general penal provisions fail to capture
- Special legislation would enable targeted preventive measures including proactive police intervention witness protection and fast-track trials
- Explicit recognition of honour-based violence would facilitate data collection and evidence-based policymaking
- A specific offence would signal society's condemnation of such practices and potentially deter potential perpetrators

Opponents including the Law Commission contend that existing provisions are adequate and that special legislation may create interpretive difficulties.

## **9. The Intersection of UCC and Criminal Law Prevention**

### **9.1 Normative Conflicts and Their Consequences**

The absence of a uniform civil code creates normative conflicts that directly impact the prevention of honour-based crimes. Where personal laws permit marriages that criminal law prohibits or where they recognise different ages of marriage the resulting legal fragmentation creates vulnerabilities.

Consider the case of a Muslim girl married at fifteen under personal law but considered a minor under the Prohibition of Child Marriage Act and the POCSO Act. Her marriage though valid within her community exposes her husband to criminal prosecution. If her family opposes the marriage they may use the criminal law against her husband or alternatively may use the marriage's validity under personal law to justify violence against the couple. The

conflicting legal norms provide rhetorical resources for all parties but do nothing to protect the girl's autonomy or well-being.

## 9.2 Standardising Core Protections

The Delhi High Court's suggestion of standardising core protections while allowing diversity in less contentious matters offers a pragmatic approach. Core protections that should be uniform across all communities include:

- **Minimum age of marriage:** A uniform age of marriage set at eighteen for all persons regardless of religion would eliminate the conflict between personal laws and criminal law. This would not only protect minors from premature marriage but would also remove one source of normative conflict that enables honour-based violence.
- **Free consent:** The requirement of free consent to marriage already part of various personal laws should be uniformly enforced with robust mechanisms to identify and prevent forced marriages.
- **Prohibition of caste and religious bars:** The constitutional prohibition against caste discrimination and the fundamental right to marry by choice should be reflected in uniform civil provisions that render invalid any legal rules barring inter-caste or inter-religious marriage.

## 9.3 Preventive Synergies

A uniform civil code would complement criminal law prevention in several ways. First by eliminating normative conflicts it would remove the ambiguity that enables perpetrators to justify violence as preserving community values against state interference. Second by establishing uniform standards for marriage it would facilitate the identification of forced and child marriages enabling earlier intervention. Third by affirming the constitutional right to marry by choice in clear statutory terms it would strengthen the normative foundation for criminal law enforcement.

## 9.4 The Limits of Uniformity

It must be acknowledged that a uniform civil code while necessary is not sufficient to prevent honour-based crimes. Such crimes are rooted in social norms and power structures that law alone cannot transform. Even with uniform civil provisions honour-based violence would continue unless accompanied by effective enforcement social reform and community engagement. The UCC is thus a necessary but not sufficient condition for effective prevention.

## 10. Recommendations for Reform

### 10.1 Legislative Measures

**Enact a Uniform Civil Code with Core Protections:** Parliament should enact legislation establishing uniform standards for marriage including a uniform minimum age of eighteen the requirement of free consent and the prohibition of caste or religious bars to marriage. This legislation should explicitly provide that no personal law or custom can override these core protections.

**Create a Specific Offence of Honour Killing:** The BNS should be amended to include a specific offence of honour killing defined as the killing of a person on the ground that such person has brought or is perceived to have brought dishonour to the family caste or community. The offence should carry enhanced penalties and should expressly apply to conspirators and abettors.

**Criminalise Khap Panchayat Interference:** A specific offence should be created for convening or participating in unlawful assemblies including khap panchayats for the purpose of interfering with marriages between consenting adults. The offence should be cognisable non-bailable and triable by Sessions Court.

**Strengthen Witness Protection:** The BNSS should be amended to include specific provisions for witness protection in honour crime cases including the power to order relocation identity protection and other measures necessary to ensure witness safety.

### 10.2 Procedural Reforms

**Establish Fast-Track Courts:** Fast-track courts should be established exclusively for honour crime cases with dedicated judges and prosecutors trained in handling such matters.

**Mandate Time-Bound Investigation:** Investigation of honour crime cases should be completed within ninety days with extensions granted only in exceptional circumstances and for reasons to be recorded.

**Create a National Database:** A national database of honour crime cases should be established with mandatory reporting by states and uniform criteria for classification.

**Empower District Magistrates:** District Magistrates should be empowered to issue protection orders for threatened couples including orders for police protection shelter and other necessary measures.

### 10.3 Institutional Measures

**Specialised Police Units:** Specialised police units should be established at district level to handle honour crime cases with officers trained in sensitive investigation and victim protection.

**Witness Protection Fund:** A dedicated fund should be established to finance witness protection measures including relocation expenses security arrangements and other costs.

**Sensitisation Programmes:** Regular sensitisation programmes should be conducted for police prosecutors and judges on the distinctive features of honour-based violence and the constitutional rights at stake.

#### **10.4 Social Measures**

**Community Engagement:** Programmes should be developed to engage with communities including khap panchayats to challenge norms that sustain honour-based violence and to promote constitutional values.

**Education and Awareness:** School and college curricula should include content on constitutional rights gender equality and the illegality of honour-based violence.

**Support Services:** Support services should be established for threatened couples and survivors including counselling legal aid and rehabilitation.

### **11. CONCLUSION**

Honour-based crimes represent a profound failure of the Indian legal system to protect constitutional rights against deeply entrenched social norms. Despite clear judicial pronouncements affirming the right to marry by choice ,despite the enactment of new criminal laws in the BNS and BNSS ,despite decades of debate on the Uniform Civil Code individuals continue to be killed assaulted and persecuted for exercising their fundamental rights.

This paper has argued that the absence of a uniform civil code and the absence of specialised criminal provisions are interconnected failures. The normative conflicts created by fragmented personal laws enable honour-based violence by providing rhetorical resources for those who would justify violence as preserving community values. The general provisions of the BNS while applicable to honour killings fail to capture their distinctive features and do not enable the preventive interventions that such crimes require. The procedural framework of the BNSS while improved does not address the specific challenges of investigation and prosecution in cases where entire communities close ranks against the victim.

The way forward requires an integrated approach combining uniform civil norms with specialised criminal provisions. A Uniform Civil Code that standardises core protections minimum age of marriage free consent prohibition of caste and religious bars would eliminate normative conflicts and strengthen the foundation for criminal law enforcement. A specific offence of honour killing with enhanced penalties and provisions for conspiracy and

abetment would recognise the distinctive gravity of such crimes. Strengthened procedural mechanisms including witness protection and fast-track trials would enable effective prosecution. And social measures including community engagement and education would address the normative foundations of honour-based violence.

The constitutional vision of a united India where all citizens enjoy equal rights regardless of religion or community remains unrealised. The persistence of honour-based violence is both a symptom and a consequence of this unrealised vision. As the Delhi High Court observed the question is whether society should be criminalised for adhering to long-standing personal laws or whether lasting solutions must come from the legislature. The answer surely is that lasting solutions require legislative action that harmonises civil and criminal law that protects constitutional rights and that ensures that no individual is killed assaulted or persecuted in the name of honour.

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