

Submission to the Commission Constituted to Prevent Honour Killings in Tamil Nadu

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better laws.**

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About Vidhi

Vidhi is an independent think-tank doing legal research to make better laws and improve governance for the public good. Vidhi does this through high-quality original legal research; and by engaging with the union government, state governments, the judiciary and other public institutions to inform policymaking and to effectively convert policy into law. Vidhi also petitions courts on important law and policy issues, and collaborates with civil society, academic institutions and other stakeholders to have a positive impact on governance. Vidhi's abiding values are non-partisan engagement, research excellence and independence.

Vidhi Tamil Nadu was set up in 2024 to work with the Tamil Nadu government to enhance law drafting capacity, support policymaking with sound legal advice, and draft primary legislation, rules, and regulations in relevant areas of reform. The team is grateful to have since then worked with the Department of Industries, Investment Promotion and Commerce, the state's investment promotion agency Guidance Tamil Nadu, the Department of Labour Welfare and Skill Development, the Tamil Nadu Manual Workers' Social Security and Welfare Board, the Department of Health and Family Welfare, and the Directorate of Public Health and Preventive Medicine.

The Crime and Punishment (C&P) team at Vidhi conducts in-depth research on the functioning of India's criminal justice system. Its work examines how criminal laws are designed and implemented, and how they affect the everyday lives of people in India. Over the past decade, C&P's research has covered a range of issues, including the implementation of the NDPS Act in Punjab and Mumbai, the criminalisation of drug use, the effectiveness of the criminal justice system in addressing crimes against women, overcriminalisation in India's laws, and criminal procedure. C&P also works on developing principle-based approaches to criminal law-making. In line with this work, the team has assisted the Government of India, NITI Aayog, and the Governments of Maharashtra, the National Capital Territory of Delhi, and Tamil Nadu in ongoing efforts to decriminalise and rationalise laws, with the aim of improving the ease of living and ease of doing business.

Executive Summary

This submission is made to the Commission constituted by the Government of Tamil Nadu to recommend measures for the prevention of honour killings.

Drawing on an examination of how honour-based crime manifests in Tamil Nadu, an analysis of the gaps in the existing legal framework, and a study of multiple legislative models, this submission proposes a dedicated law for the state: *The Tamil Nadu Freedom of Marriage and Association and Prevention of Crimes in the Name of Honour (En Vāzhkkai, En Urimai) Act*. In this submission, we adopt a broad understanding of honour-based crime, encompassing the full range of coercive practices through which it is enforced in Tamil Nadu rather than honour killings alone. We propose a law that reaches different manifestations of honour-based crime, from social and economic boycott to violence, and protects every person whose choices are policed in the name of honour, whether on grounds of caste, faith, class, gender or sexual orientation. Our suggested legal framework is designed around the distinct nature of honour-based crime, and places emphasis on the preventive, protective and rehabilitative architecture that honour-based crime requires.

The submission is arranged in four parts.

Chapter I sets out the nature and forms of honour-based crime in Tamil Nadu. Such crime is, at its core, an exercise of collective control. A person's choice of partner, most often a woman's, is seen as bearing upon the perceived 'honour' of their family, caste or community. A choice that defies social norms is deemed an affront to that honour. To protect and restore honour, sanctions are imposed by families and kin, and by caste associations and *katta* panchayats that assume the authority to judge and punish those who transgress. These sanctions often begin with acts of social and economic boycott, ostracism and the denial of shared resources, and escalate through surveillance, confinement and assault to 'honour killing'. In Tamil Nadu, honour-based crime is frequently triggered by relationships across caste lines, but it also extends to relationships across sub-castes, economic strata and faiths, and to non-heterosexual unions.

Chapter II makes the case for a dedicated state law against honour-based crime in Tamil Nadu. There are gaps in the existing legal framework, both substantive and procedural, that justify the need for a separate state law against honour-based crime. The Bharatiya Nyaya Sanhita, 2023, as the general criminal law, punishes discrete acts of violence, but it does not reach the social and economic sanctions that precede and surround them. Nor does it recognise the motive that distinguishes honour-based crime. Honour-based crime is also not sufficiently captured by special statutes like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 or the Protection of Civil Rights Act, 1955. Neither reaches honour-based crime within the same caste, between sub-castes, or on grounds of faith, class, gender or sexual orientation. Moreover, ordinary criminal procedure under the Bharatiya Nagarik Suraksha Sanhita, 2023 is not adequately equipped to address honour-based crime. Such crime calls for a distinct protective architecture, both because those at risk must often be shielded from their own family or community, and because police inaction may itself form part of the harm. The courts and the Law Commission of India have also recognised the deficiencies in the current legal framework.

Chapter III surveys the legislative models that have sought to address honour-based crime, and examines four of them in detail. These are: the Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011, drafted by the Law Commission; the Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019; the Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill, 2023; and the Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act, 2026. This chapter compares how each legislative model conceives of honour and whom it protects, and the range of conduct it prohibits, including social and economic boycott. It then considers each model's treatment of offences, and the extent to which it shifts the burden of proof. Finally, it examines the

models' protective mechanisms, the duties of officials and mandatory reporting obligations, and the courts in which offences are to be tried.

Chapter IV proposes the framework of a new law on honour-based crime in Tamil Nadu: *The Tamil Nadu Freedom of Marriage and Association and Prevention of Crimes in the Name of Honour (En Vāzhkkai, En Urimai) Act*. The chapter first considers how the law should understand honour. It then turns to the scope of the law: the victims it should protect, the perpetrators it should hold to account, and the conduct it should address. It sets out the preventive, protective and rehabilitative architecture such a law would require, and the offences and penalties it should prescribe. It then considers special procedural standards and closes with the arrangements for implementation and monitoring that would give the law practical effect.

Table of Contents

Background	9
I. Honour-based crime in Tamil Nadu.....	10
A. The nature of honour-based crime	10
B. The forms of honour-based crime	11
II. The need for a dedicated state law against honour-based crime.....	12
A. Gaps in the existing legal framework.....	12
(i) The substantive gap	12
(ii) The procedural gap.....	13
B. The view of the courts and Law Commission	14
C. Towards dedicated state legislation.....	15
III. Legislative models that address honour-based crime	16
IV. Framework of a new law on honour-based crime in Tamil Nadu	22
A. What is 'honour'?	22
B. Scope of a legislation on honour-based offences	22
(i) Victims of honour-based crime	23
(ii) Perpetrators of honour-based crime.....	23
(iii) Nature of conduct as honour-based crime	24
C. Preventive, Protective and Rehabilitative Architecture.....	25
(i) Prevention of honour-based crime.....	25
(a) Declare all forms of caste or community panchayats convened to adjudicate upon, influence, or punish individuals unlawful.....	25
(b) Empower courts to issue preventive injunctions	26
(c) Establish Special Cells for prevention of crimes in the name of 'honour'	26
(d) Establish Caste Panchayat (Monitoring, Prevention and Intervention) Teams	26
(e) Provide training and capacity-building for police officers.....	26
(f) Awareness, sensitisation and counselling in schools and universities.....	27
(ii) Protection from honour-based crime.....	27
(a) Establish safe houses in every district	27
(b) Rights of the victims.....	27
(c) Duties of public servants	28
(d) Witness protection.....	28
(e) Ensure timely investigation and trial	28
(iii) Rehabilitation of victims.....	29
D. Offences and Penalties.....	29
(i) Conduct already criminalised under the BNS	29
(ii) Punishment for violations by public servants	30
E. Special Procedural Standards.....	30
(i) Fact-specific presumptions.....	30
(ii) Expanded definition of abetment	31
(iii) Cognisability, bail, and conduct of proceedings	31

F. Implementation and Monitoring	32
(i) Coordination, review and monitoring	32
(ii) Accountability and data collection.....	33

Background

The Government of Tamil Nadu has constituted a Commission to recommend measures for preventing honour killings in the state, established by G.O. (Ms) No. 567 of the Home Department, dated 11th November 2025.

The Commission is chaired by Hon'ble Justice KN Basha (Retired), with Dr V Palanikumar, IAS (Retired), and S Ramanathan, IPS (Retired), as members. Its mandate is to formulate recommendations and submit a report to the state government after discussions with political organisations, legal experts, social activists, and affected persons.

Vidhi made a presentation and oral submissions before the Commission on 4th September 2026. This written submission is in furtherance of that presentation and the discussion it prompted, and builds on Entry 6 of Vidhi Tamil Nadu's publication, *Mandate 2026: Ten Legal Reforms for Tamil Nadu*.

This submission is based on desk research. The true extent and nuance of honour-based crime in Tamil Nadu can be understood only through direct engagement with affected persons and communities on the ground, which lies beyond the scope of the present exercise. The analysis and recommendations that follow should be read in that light.

I. Honour-based crime in Tamil Nadu

Honour-based crimes are increasingly reported in Tamil Nadu, with independent reports documenting around 400 'dishonour crimes', including killings, between 2018-2023. Couples who marry, wish to marry, or are in a relationship against the wishes of their families or communities face threats, coercion, and even death. Honour-based crime is not unique to Tamil Nadu, but it takes particular forms here. Any effective response must rest on a clear understanding of what constitutes an honour-based crime: what it is, how it is enforced, and the forms it takes. This section sets out that understanding.

A. The nature of honour-based crime

While honour-based crime manifests differently across cultures and contexts, it follows a common pattern, and at its root is the honour motive.¹ As observed by the Special Rapporteur to the United Nations, honour is 'a magic word, which can be used to cloak the most heinous of crimes'.² In her account, what presents itself as honour is, in actuality, a means of controlling women's sexuality and freedom, culturally rooted in patriarchal settings where a family's standing is treated as resting on the conduct of its women.³ A woman's choice of partner, in particular, is treated as a matter of collective honour, and violence becomes the means of restoring it.⁴ Any violation in this respect is treated not as a private matter but as an injury to the standing of the whole community, and restoring the community's honour becomes a collective undertaking.

In essence, an honour-based crime responds to conduct seen to transgress the norms of a family, community, or caste. The response is characterised by a sanction imposed against the transgressor, often extending to those who support them, driven by the preservation or restoration of collective honour, and carried out by enforcers who assume the authority to judge and punish.⁵ It is this collective character that distinguishes honour-based crime from other offences.

Enforcement is often driven by the community itself. The family and extended kin act as the immediate agents, and caste associations and *katta* panchayats—extrajudicial local assemblies—assume the authority to summon a couple, pronounce on their union, and direct that it be broken.⁶ The burden of enforcement frequently falls on the woman's own kin: because caste reproduces itself in part through the control of women's sexuality, a woman's choice of partner is treated as a breach for which her family is answerable, and her family becomes the site through which caste boundaries are enforced.⁷

¹ Lynn Welchman and Sara Hossain (eds), *'Honour': Crimes, Paradigms and Violence Against Women*, (Zed Books 2005), accessed 21 September 2026.

² Radhika Coomaraswamy, 'Cultural Practices in the Family that Are Violent towards Women' (Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, UN Commission on Human Rights, E/CN.4/2002/83, 31 January 2002) <<https://www.refworld.org/reference/themreport/unchr/2002/17267>> accessed 15 September 2026.

³ *ibid.*

⁴ Uma Chakravarthi, *Gendering Caste: Through a Feminist Lens* (Sage Publications 2018)

⁵ *ibid.*

⁶ Madhu Nagla, 'Khap Panchayat, Honour Killings and Gender Relations in Western India.' *Subalternity, Exclusion and Social Change in India* (Foundation Books, 2014)

⁷ Lynn Welchman and Sara Hossain (eds), *'Honour': Crimes, Paradigms and Violence Against Women*, (Zed Books 2005), accessed 21 September 2026.

In Tamil Nadu, caste is among the dominant axes that trigger honour-based crime, and numerous reports document violence provoked by relationships across caste lines. But the same motive also operates beyond caste: across economic strata within a community,⁸ in interfaith relationships,⁹ and in non-heterosexual unions.¹⁰

B. The forms of honour-based crime

Honour-based crime is not confined to a single kind of act. It runs along a spectrum—from social and economic sanction through psychological coercion to physical violence and killing—often escalating over time.

In Tamil Nadu, *katta* panchayats have played an institutionalised role in directing and enforcing sanctions against inter-caste couples.¹¹ In Dharmapuri in 2012, a Dalit man's marriage to a Vanniyar woman drew a caste panchayat's demand for her return and, in the violence that followed, a mob destroyed close to 300 Dalit homes.¹²

The actions commonly begin with social, economic, and psychological pressure: boycott, ostracism, and public shaming; expulsion from the village; the denial of access to shared spaces and resources such as temples, water sources, burial grounds, and shops; and exclusion from work or trade. In Kanavaipudur village in 2025, for instance, a Vanniyar man who married a Dalit woman saw his family boycotted, his mother made to sign a document 'prioritising the village' and forced to take leave from her workplace, shopkeepers barred from selling to them, and the family denied burial grounds for his grandmother.¹³

As the coercion escalates, couples report living under surveillance, confinement, and forced separation, in constant fear of their own families, and facing humiliation, public shaming, sustained threats, and physical assault. An interfaith couple in Sivagangai, for instance, were confined under house arrest by their families and threatened with death, and had to seek police protection.¹⁴

At its extreme, honour-based crime takes the form of an 'honour killing'. In 2025, Kavin Selvaganesh, a Dalit IT worker, was killed in Tirunelveli, allegedly by the brother of the woman he was in a relationship with, after he had reportedly faced repeated threats and pressure to end the relationship.¹⁵

While honour killings are the most visible part of the problem, the sustained coercion that precedes and surrounds them—the sanctions, the surveillance, the threats—is what the law presently fails to address. The next section examines this gap, and makes a case for a dedicated legal response.

⁸ Bharathy Singaravel and Nithesh Kumar M, 'Chennai Dalit Man Hacked to Death for Falling in Love, Demand for Anti-Honour Killing Law Rises' *The News Minute* (22 August 2026) <<https://www.thenewsminute.com/tamil-nadu/chennai-dalit-man-hacked-to-death-for-falling-in-love-demand-for-anti-honour-killing-law-rises>> accessed 19 September 2026.

⁹ 'Inter-Faith Married Couple in Tamil Nadu Seeks Police Protection, Claim "Families Threatening Them"' *The New Indian Express* (30 January 2020) <<https://www.newindianexpress.com/states/tamil-nadu/2020/Jan/29/inter-faith-married-couple-in-tamil-nadu-seeks-police-protection-claim-families-threatening-them-2096269.html>> accessed 19 September 2026.

¹⁰ Divya Chandrababu, 'Madras HC Orders Police Protection for Queer Woman after Threats' *Hindustan Times* (7 July 2021) <<https://www.hindustantimes.com/india-news/madras-hc-orders-police-protection-for-queer-woman-after-threats-101625598675700.html>> accessed 19 September 2026.

¹¹ *Arumugam Servai v State of Tamil Nadu*, (2011) 6 SCC 405.

¹² R Ramasubramanian, 'Inter-Caste Marriage Triggers Violence in Tamil Nadu District' *India Today* (Chennai, 21 December 2012) <<https://www.indiatoday.in/india/south/story/inter-caste-marriage-violence-tamil-nadu-vanniers-dalits-122588-2012-11-25>> accessed 19 September 2026.

¹³ Subash Chandra Bose, 'Ostracisation, Discrimination Even in Death: Tamil Nadu Village's "Punishment" for Inter-Caste Marriage' *The South First* (12 February 2025) <<https://thesouthfirst.com/tamilnadu/ostracisation-discrimination-even-in-death-tamil-nadu-villages-punishment-for-inter-caste-marriage/>> accessed 15 September 2026; Ashish Shaji, 'Madras High Court Orders Police Protection for Inter-Caste Couple, Family Facing Boycott' *The Indian Express* (7 July, 2026) <<https://indianexpress.com/article/legal-news/madras-high-court-police-protection-inter-caste-couple-boycott-10775741/>> accessed 19 September 2026.

¹⁴ 'Inter-Faith Married Couple in Tamil Nadu Seeks Police Protection, Claim "Families Threatening Them"' *The New Indian Express* (30 January 2020) <<https://www.newindianexpress.com/states/tamil-nadu/2020/Jan/29/inter-faith-married-couple-in-tamil-nadu-seeks-police-protection-claim-families-threatening-them-2096269.html>> accessed 15 September 2026.

¹⁵ Azeefa Fathima, 'Kavin Selvaganesh's Caste Killing: What His Family Says about the Crime' *The News Minute* (29 July 2025) <<https://www.thenewsminute.com/tamil-nadu/kavin-selvaganeshs-caste-killing-what-his-family-says-about-the-crime>> accessed 19 September 2026.

II. The need for a dedicated state law against honour-based crime

Honour-based crime is a deeply rooted social and systemic problem that the law alone cannot dismantle. The law, however, has a defined role to play in recognising honour-based crime, preventing its escalation, protecting those at risk, and deterring those who enforce social norms through coercion and violence.

We submit that Tamil Nadu should enact a dedicated law to prevent and address honour-based crime: *The Tamil Nadu Freedom of Marriage and Association and Prevention of Crimes in the Name of Honour (En Vāzhkkai, En Urimai) Act*. The existing legal framework does not fully capture the substance of honour-based crime, or sufficiently address it with a tailored preventive and protective architecture. Both the courts and the Law Commission of India ('Law Commission') have recognised the inadequacy of the present framework.

The section below elucidates why a standalone statute on honour-based crime is necessary.

A. Gaps in the existing legal framework

(i) *The substantive gap*

The Bharatiya Nyaya Sanhita, 2023 ('BNS'), as the general criminal statute, covers specific acts through which honour-based crime is carried out, including murder,¹⁶ criminal intimidation,¹⁷ and wrongful confinement.¹⁸ It does not, however, recognise honour-based crime as a distinct offence, overlooking the pattern of coercion, community dimension, and the motive that sets it apart.

First, a range of coercive practices fall outside the BNS entirely. The BNS punishes discrete acts of violence but does not reach the sanctions that precede and surround them—social and economic boycott, ostracism, expulsion from the village, denial of access to shared resources, and exclusion from work or trade—often imposed by the diktat of a *katta* panchayat. The sanctions take concrete local forms in Tamil Nadu: boycott of the family, coerced undertakings to 'prioritise the village', removal from the workplace, refusal to sell goods to them, and denial of access to burial grounds¹⁹—none of which the general criminal law treats as an offence. Other states have begun to name such practices in law. In Karnataka, communities have forcibly declared couples to be brother and sister, or conducted a *thithi* (death ritual) for a daughter who is alive but has married out of caste—conduct now expressly addressed under the Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act, 2026.

Because the coercion goes uncaptured, so do the protections those at risk most need, like protection from an apprehended boycott, or from an assembly convened to enforce sanctions. The Law Commission reached the same conclusion in its 242nd Report, titled *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework*²⁰ ('242nd Report'). Considering whether

¹⁶ Bharatiya Nyaya Sanhita 2023, s 103.

¹⁷ Bharatiya Nyaya Sanhita 2023, s 351.

¹⁸ Bharatiya Nyaya Sanhita 2023, s 127.

¹⁹ Subash Chandra Bose, 'Ostracisation, Discrimination Even in Death: Tamil Nadu Village's "Punishment" for Inter-Caste Marriage' *The South First* (12 February 2025) <<https://thesouthfirst.com/tamilnadu/ostracisation-discrimination-even-in-death-tamil-nadu-villages-punishment-for-inter-caste-marriage/>> accessed 19 September 2026.

²⁰ Law Commission of India, *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework* Report No 242 (August 2012) <<https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6>> accessed 16 September 2026.

the general offence of unlawful assembly already reached this conduct, it found that it did not: the assembly through which a caste panchayat convenes to condemn and sanction a couple is not the unlawful assembly contemplated by the general criminal law. The Law Commission accordingly proposed a distinct offence, carrying a higher punishment, to operate in addition to general criminal law, drafting a dedicated Bill for the purpose.

Second, where the BNS does apply, it does not capture the gravity of the wrong or the honour motive behind it. The principle of fair labelling²¹ holds that a conviction should reflect the true nature and gravity of an offence, so that the censure it carries is proportionate to the offender's blameworthiness. A killing to punish an act or relationship that transgresses caste or community norms is not the same as an ordinary murder: it is committed to enforce those norms, and often expresses or is directed by a wider community sanction. Prosecuted under the general provisions, the honour motive, and the community sanction it often reflects are lost.

Even where the BNS expressly addresses caste-motivated violence, it does so too narrowly to address honour-based crime. For instance, Section 117(4) of the BNS distinctly recognises grievous hurt committed by a group of five or more 'on the ground of race, caste or community', but treats this offence the same as its ordinary counterpart, without treating caste as an aggravating factor meriting graver punishment. The caste motive is named in the definition of the offence but carries no additional consequence in sentencing. Further, such provisions apply only where five or more persons act in concert, leaving untouched the honour killing carried out by one or two family members, as is often the case. The provisions in the BNS conceive of caste-based harm as collective atrocity directed at a group, not as coercion deployed to police marriage and relationship choice.

Third, the gap in the BNS has not been closed by other statutes. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('PoA Act') applies only where the victim is from a Scheduled Caste or Scheduled Tribe and the perpetrator is not.²² Honour-based crime does not confine itself to that configuration. As set out above, it may occur within the same caste and between sub-castes, across economic strata within a community, and on grounds of religion, gender, and sexual orientation, none of which the PoA Act reaches.

The gap is not addressed by the Protection of Civil Rights Act, 1955 ('PCR Act') either. Enacted to give effect to the abolition of untouchability under Article 17 of the Constitution, the PCR Act punishes the enforcement of social disabilities on the ground of untouchability, such as denial of access to shops, employment, and burial grounds,²³ and makes it an offence to boycott or excommunicate a person for exercising these rights.²⁴ While every offence under the PCR Act is anchored to the practice of untouchability, honour-based crime springs from a different motivation, often driven by the desire to control an individual's choices in marriage and relationships, in order to preserve perceived family or community honour. It occurs even where untouchability is not a pertinent concern: within the same caste, across caste lines where no practice of untouchability is involved, or on grounds of religion, gender, or sexual orientation.

(ii) The procedural gap

Honour-based crime does not only require recognition in substance; it requires a procedural architecture designed for it. The general framework under the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') provides the ordinary machinery of investigation and trial, but it is not calibrated to honour-based crime, where the threat is anticipatory, retaliation by the community is a constant risk, and inaction by the police is itself part of the problem. Protection must therefore be built into the procedure, to create a process that prevents and redresses rather than prosecutes after the fact.

Two elements illustrate what this requires. The first concerns timelines: the BNSS requires investigation and the filing of a chargesheet without unnecessary delay,²⁵ but fixing that period for honour-based crime, and requiring a recorded explanation where it is exceeded, would keep an investigation from stalling.

²¹ A Cornford, 'Beyond Fair Labelling: Offence Differentiation in Criminal Law' (2022) 42 Oxford Journal of Legal Studies 985.

²² Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 2(ec) read with s 3.

²³ The Protection of Civil Rights Act, 1955, s4.

²⁴ The Protection of Civil Rights Act, 1955, s7(b).

²⁵ Bharatiya Nagarik Suraksha Sanhita 2023, s 193.

The second concerns the conduct of police officers. Statutory safeguards are only effective if police officers register complaints and extend protection when a couple seeks it—and in practice this has proved unreliable. Activists have documented bias and complicity by the police conducting informal 'counselling' or settlement proceedings, separating couples on their own authority, and disclosing a couple's whereabouts to the families they have fled.²⁶ The risk is sharper where the investigating officers share caste ties with the accused, and sometimes enable rather than prevent harm. A dedicated law can hold officers to their duties, with consequences for failure, so that couples who turn to the police are not failed by them.

B. The view of the courts and Law Commission

The gaps in the legal framework have not gone unnoticed by the courts and Law Commission. Various judgments have expounded on the protections that honour-based crime demands.

In *Lata Singh v State of UP*²⁷ (2006), the Supreme Court held that once a person is a major, they are free to marry whom they choose, and directed the police across the country to ensure that couples who marry across caste or religion are not harassed or threatened, and that those who threaten or attack them are prosecuted.

In *Arumugam Servai v State of Tamil Nadu*²⁸ (2011), the Supreme Court went further. Addressing *katta* panchayats in Tamil Nadu, it directed administrative and police officials to take strong measures to prevent such atrocities, and ordered that officials who fail either to prevent a known threat or to promptly act once violence has occurred be suspended, chargesheeted, and proceeded against departmentally.

In *B Dilipkumar v Secretary to Government*²⁹ (2014), the Madras High Court examined the death of a woman who had married a Dalit man against her family's wishes. The couple had approached the police for protection. Instead, the police separated them, a crowd from the woman's community gathered at the police station, and she was eventually returned to her parents and died in suspicious circumstances shortly before an arranged marriage to another man. The Madras High Court found the death to be, *prima facie*, an honour killing, and transferred the investigation out of the hands of the local police. It recorded expressly that the officers had not abided by the directions the Supreme Court had issued in the *Lata Singh* and *Arumugam Servai* judgments.

The Supreme Court, in *Shakti Vahini v Union of India*³⁰ (2018), directed states to put in place preventive, protective, and punitive machinery for couples at risk, including protection officers, safe houses, and special cells. These directions remain largely unimplemented in Tamil Nadu. The state established special cells with a 24-hour helpline for inter-caste couples in 2018, but these did not function effectively.³¹ Recent reports indicate that the state government intends to establish safe houses in every district, but this remains to be seen.³²

The gaps in the legal framework have also been remarked upon by the Law Commission in its 242nd Report.³³ The Law Commission found that ordinary criminal law is not adequately equipped to deal with the organised,

²⁶Nivedha Selvam, 'For Intercaste Couples in Tamil Nadu, Police Are One More Hurdle to Cross' *The Federal* (28 December 2021) <<https://thefederal.com/states/south/tamil-nadu/tamil-nadu-cops-stop-inter-caste-couple-trying-to-get-married>> accessed 19 September 2026 ;People's Union for Democratic Rights, *Courting Disaster: A Report on Inter-Caste Marriages, Society and State* (PUDR, August 2003) <<https://www.pudr.org/publications/courting-disaster-a-report-on-inter-caste-marriages-society-and-state/>> accessed 19 September 2026.

²⁷ *Lata Singh v State of UP*, (2006) 5 SCC 475.

²⁸ *Arumugam Servai v State of Tamil Nadu*, (2011) 6 SCC 405.

²⁹ *B Dilipkumar v Secretary to Government*, 2016 SCC OnLine Mad 2122.

³⁰ *Shakti Vahini v Union of India*(2018) 16 SCC 192.

³¹Dennis S Jesudasan, 'Honour' Killing: Tamil Nadu to Set Up Safe Houses in Districts to Provide Shelter to Vulnerable, Affected Couples' *The Hindu* (Chennai, 29 August 2026) <<https://www.thehindu.com/news/national/tamil-nadu/honour-killing-tamil-nadu-to-set-up-safe-houses-in-districts-to-provide-shelter-to-vulnerable-affected-couples/article71404215.ece>> accessed 19 September 2026.

³²*ibid*.

³³ Law Commission of India, *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework* Report No 242 (August 2012)<<https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6>> accessed 16 September 2026.

community-driven coercion that surrounds honour-based crime, and recommended a standalone law to prevent unlawful assemblies which condemn alliances, and to prescribe more severe punishment for intimidatory or violent acts imperilling the liberty of individuals.

C. Towards dedicated state legislation

The gaps set out above make the case for a standalone statute to address honour-based crime. The substantive law does not reach the coercion through which honour is enforced, nor does it mark the honour motive where it does apply; the provisions of the BNS, PoA Act and PCR Act are too narrow to capture the crime; and the procedural protections that persons at risk depend on are neither designed for these cases, nor, where directed by the courts, delivered by the state. A dedicated law can accommodate what general criminal law does not: honour-based crime defined by its motive rather than by isolated acts, coverage of the full range of coercive conduct through which it is enforced, protection extended to every person at risk, and protective machinery given binding statutory force with consequences for officers who ignore it.

Tamil Nadu has the legislative competence to enact a law on honour-based crime. Public order and police are State List subjects (Entries 1 and 2, List II, Seventh Schedule of the Constitution); criminal law and criminal procedure are Concurrent List subjects (Entries 1 and 2, List III, Seventh Schedule of the Constitution). Because the proposed law would also contain criminal provisions engaging the same field as the BNS and the BNSS, to the extent it is repugnant to those laws, it would require the President's assent under Article 254(2) of the Constitution to prevail within Tamil Nadu.

Other states like Karnataka have already legislated in this area. The next section examines legislative responses by states and other legislative models that seek to prevent honour-based crime, and what a law suited to Tamil Nadu might draw from them.

III. Legislative models that address honour-based crime

Efforts to legislate against honour-based crime in India go back more than a decade. One of the earliest frameworks for legislation was introduced in 2010 by the National Commission for Women, which prepared a draft bill titled *The Prevention of Crimes In The Name Of 'Honour' & Tradition Bill, 2010*.³⁴ Further, the Law Commission's 242nd Report³⁵ contained a draft *Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011* ('Law Commission Bill'). In 2015 in Tamil Nadu, the CPI(M) introduced a private member's bill in the state legislative assembly to prevent honour killing.³⁶ None of these efforts progressed further.

Parallely, states began legislating against social boycott. Maharashtra was the first state to do so, with the *Maharashtra Protection of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016* ('Maharashtra Social Boycott Act').

In 2019, Rajasthan became the first state to pass a bill directed specifically at honour-based crime³⁷: the *Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019* ('Rajasthan Bill'). In 2026, the Governor returned this bill to the state legislative assembly with comments.³⁸

Tamil Nadu saw similar efforts from civil society. The Dalit Human Rights Defenders Network, along with the organisation Evidence, prepared a people's draft bill, titled the *Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill, 2023* ('2023 Bill').³⁹ This was listed as a private member's bill before the Rajya Sabha,⁴⁰ but did not come up for discussion.⁴¹

Karnataka has since enacted dedicated statutes against social boycott as well as honour-based crime: the *Karnataka Social Boycott (Prevention, Prohibition and Redressal) Act, 2025* ('Karnataka Social Boycott Act'); and the *Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act, 2026*⁴² ('Karnataka Eva Nammava Act').

³⁴ All India Democratic Women's Association, *The Prevention of Crimes in the Name of 'Honour' and Tradition Bill* (AIDWA, August 2010).

³⁵ Law Commission of India, *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework* Report No 242 (August 2012) <<https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6>> accessed 16 September 2026.

³⁶ Special Correspondent, 'CPI(M) Submits Draft for Law against Honour Killing' *The Hindu* (Chennai, 1 October 2015) <<https://www.thehindu.com/news/cities/chennai/cpi-m-submits-draft-for-law-against-honour-killing/article7709210.ece>> accessed 19 September 2026.

³⁷ Alok Singh, "'Honour': India Fails to Protect the Right to Choose One's Partner' (*Vidhi Centre for Legal Policy*, 1 August 2025) <<https://vidhilegalpolicy.in/blog/in-the-name-of-honour/>> accessed 15 September 2026.

³⁸ Rajesh Asnani, 'Rajasthan: Gehlot's Anti-Lynching, Honour Killing Laws among 10 Bills Returned by Governor' *The New Indian Express* (30 January 2026) <<https://www.newindianexpress.com/india/2026/Jan/30/rajasthan-gehlots-anti-lynching-honour-killing-laws-among-10-bills-returned-by-governor>> accessed 19 September 2026.

³⁹ 'The Freedom of Marriage and Association and Prohibition of Crimes in the Name of "Honour" Bill, 2022: A Draft' (*Centre for Law and Policy Research*, 17 May 2022) <<https://clpr.org.in/publications/the-freedom-of-marriage-and-association-and-prohibition-of-honour-crimes-bill-2022/>> accessed 19 September 2026.

⁴⁰ Rajya Sabha Secretariat, *List of Business, Session 259* (17 March 2023) <https://cms.rajyasabha.nic.in/UploadedFiles/TableOffice/LOB/Session_259/English_170323.pdf> accessed 16 September 2026.

⁴¹ Express News Service, 'Tamil Nadu Must Enact Special Law to End Caste Murders: Evidence Kathir' *The New Indian Express* (17 February 2024) <<https://www.newindianexpress.com/states/tamil-nadu/2024/Feb/17/tamil-nadu-must-enact-special-law-to-end-caste-murders-evidence-kathir>> accessed 19 September 2026.

⁴² *Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026*.

The table below highlights salient features from four legislative models that have sought to address honour-based crime: the Law Commission Bill, the Rajasthan Bill, the 2023 Bill, and the Karnataka Eva Nammava Act.

Salient Features	
Overview	All four legislative models proceed from the premise that the general criminal law does not, by itself, address crimes in the name of honour. Their stated objects converge on protecting individual liberty and autonomy and preventing the victimisation of those who exercise freedom of choice in marriage or association. To that end, they define a range of honour-specific offences, including participation in an unlawful assembly, endangerment of liberty, and criminal intimidation. The 2023 Bill and the Karnataka Eva Nammava Act are broader, also criminalising social and economic boycott and a set of named practices that the general law does not reach. Each model builds preventive and protective architecture empowering designated authorities to shield those targeted and direct the police to act.
Conception of honour	The models differ in how widely they understand honour and whom they protect. The Law Commission Bill and the Rajasthan Bill, which closely mirrors it, take the narrowest view: both build outward from the caste or community assembly convened to condemn a marriage,⁴³ treating that gathering as the site where honour is enforced, and both confine themselves to interference with matrimonial alliances, leaving non-marital relationships outside their reach. The Karnataka Eva Nammava Act frames honour more specifically as a function of caste; its preamble treats endogamy as a structural mechanism that preserves the caste system and inter-caste marriage as an instrument for dismantling it, so its concern is squarely with inter-caste couples, to whom alone the declaration mechanism is available. Rather than focusing on unlawful assemblies, it sets out a detailed list of prohibited acts and protective mechanisms.⁴⁴ The 2023 Bill takes the broadest view: it defines practices in the name of honour as those used to control the behaviour of victims to protect supposed cultural, religious and traditional norms.⁴⁵ Unlike the other models, it extends beyond marriage to association of any kind, across caste, faith, gender identity, sexual orientation, class, tribe and other grounds.
Scope of prohibited conduct	The models also differ in the range of conduct they bring within the net. All four define honour-specific offences, including participation in an unlawful assembly convened to condemn a transgression, and criminal intimidation. The Law Commission Bill largely stops here, confining itself to the assembly and the coercion that flows from it.

⁴³ Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, ss 3-5; The Prohibition of Interference with the Freedom of Matrimonial Alliance Bill 2012, ss 2-4.

⁴⁴ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 5.

⁴⁵ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 2(i).

	The Rajasthan Bill, the 2023 Bill and the Karnataka Eva Nammava Act also punish simple and grievous hurt, and killing in the name of honour.⁴⁶ The Karnataka Eva Nammava Act and the 2023 Bill extend the net wider. Both treat social and economic boycott as distinct offences: refusing to deal with or work for a person, forcing them out of a settlement, denying access to markets, community facilities and the like. Both also enumerate specific coercive and degrading practices in the name of honour⁴⁷: forcibly declaring a married couple to be brother and sister, public humiliation, forcibly making a couple consume urine or faeces, and—in the Karnataka Eva Nammava Act—symbolic disownment or death rituals (such as <i>thithi</i>) performed against living persons.⁴⁸ These are acts rooted in particular caste and cultural contexts that otherwise escape the general framework entirely.
Treatment of offences	All four models treat the offences they create as cognisable and non-bailable. The Law Commission Bill, the Rajasthan Bill and the 2023 Bill make offences non-compoundable as well. Where the BNS already punishes certain offences, some models seek to prescribe mandatory minimum punishments, enhance the punishment, or fix specific fine amounts. The Karnataka Eva Nammava Act prescribes a minimum of three years' imprisonment for grievous hurt;⁴⁹ the BNS, by contrast, sets a maximum of seven years but no minimum.⁵⁰ Under the 2023 Bill, where an act committed in the name of honour is already an offence under general criminal law carrying ten years' imprisonment or more, the punishment is raised to imprisonment for life.⁵¹ For honour killing, the 2023 Bill imposes a fine of at least ten lakh rupees or confiscation of property of equivalent value,⁵² whereas the BNS does not stipulate a fine amount in relation to murder or culpable homicide.⁵³
Burden of proof	Some of the models displace, to varying degrees, the ordinary burden of proof under general criminal law.

⁴⁶ Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, s 7; The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, ss 8-9; Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, ss 8-9.

⁴⁷ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 4; Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 5.

⁴⁸ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 5.

⁴⁹ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 9.

⁵⁰ Bharatiya Nyaya Sanhita 2023, s 117(2).

⁵¹ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 12.

⁵² The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 10.

⁵³ Bharatiya Nyaya Sanhita 2023, s 103(1).

	The Law Commission Bill and Rajasthan Bill do so in connection with unlawful assembly: every participant in such an assembly is presumed to have intended to commit or abet the listed offences in relation to endangerment and intimidation.⁵⁴ Under the 2023 Bill, once a person is prosecuted, they are presumed to have committed, abetted or attempted the offence unless they prove otherwise.⁵⁵ Where a group is accused and the offence followed a dispute over a marriage or association, common intention or common object is presumed.⁵⁶
Protective mechanisms	All four models create a protective architecture by empowering the Sub-Divisional or District Magistrate to receive requests for protection, prohibit the convening of an assembly constituted to condemn a marriage, and direct the police to shield those targeted. Beyond this, the 2023 Bill and the Karnataka Eva Nammava Act enable couples to place their relationship on record through a declaration before the District Magistrate. Under the 2023 Bill, this applies to any two persons intending to associate or marry⁵⁷, while under the Karnataka Eva Nammava Act, this is confined to inter-caste couples desirous of marriage.⁵⁸ After such a declaration, no action may be taken against the couple by the police, family or community. Both models also arm the courts with injunctive power: the 2023 Bill permits courts to restrain named persons or a caste panchayat from committing offences under the Bill⁵⁹, while the Karnataka Eva Nammava Act allows a Civil Court to issue injunctions, including urgent ad-interim, ex-parte orders, restraining anyone interfering with a couple's freedom to marry, with the duty to protect then falling on the police.⁶⁰ Under the 2023 Bill and Karnataka Eva Nammava Act, the state government is required to establish safe houses and to set up special cells in districts to receive and register complaints and extend protection.⁶¹ Additionally, the 2023 Bill and the Karnataka Eva Nammava Act both impose response timelines, though of different reach: the 2023 Bill requires both the Magistrate and the police to act within six hours of receiving a complaint⁶², while the Karnataka Eva Nammava Act places a six-hour timeline on the police alone, to provide protection.⁶³ The two models also contain supportive measures: the Karnataka Eva Nammava Act provides for Eva Nammava Vedike centres, which facilitate the solemnisation of

⁵⁴ Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, s 6; The Prohibition of Interference with the Freedom of Matrimonial Alliance Bill 2012, s 2.

⁵⁵ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 20(1).

⁵⁶ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 20(3).

⁵⁷ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 3(e).

⁵⁸ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 4.

⁵⁹ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 6.

⁶⁰ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 7.

⁶¹ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 25; Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026 s 22(4), s 17.

⁶² The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 24(2);

⁶³ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026 s 17(3).

	marriages and provide counselling⁶⁴; and the 2023 Bill provides for mental health counsellors stationed at the special cells to support victims.⁶⁵ The 2023 Bill contains a dedicated chapter on the rights of victims,⁶⁶ which includes the right to confidentiality of identity,⁶⁷ monetary relief⁶⁸ and rehabilitation,⁶⁹ and a Victim Compensation Fund.⁷⁰
Accountability of officials and mandatory reporting	The models place differing weight on the conduct of officials. The Law Commission Bill holds every official called upon to act accountable for any lapse, omission or failure, with the state government to take such action as it thinks fit.⁷¹ The Karnataka Eva Nammava Act lists concrete duties, requiring public servants to record and register complaints, investigate and file a chargesheet within sixty days, and explain any delay in writing, with departmental proceedings for wilful neglect.⁷² It also makes reporting mandatory, obliging village officers and others who believe an offence is about to be or has been committed to report it at once, with violations punishable with imprisonment of up to two years and a fine.⁷³ It also provides that a public servant's failure to perform duties will render them liable to departmental proceedings.⁷⁴ The 2023 Bill goes furthest. It carries the same mandatory reporting duty, but attaches sharper consequences to failure by officials. Any failure by the police, district officials or Marriage Officers to comply with directions is treated as deliberate negligence or misconduct, triggering a departmental enquiry to be completed within six months.⁷⁵ Beyond disciplinary action, the official is made criminally liable, facing imprisonment of six months to one year, where they either fail to prevent an incident despite prior knowledge or, once it occurs, fail to apprehend and prosecute those responsible.⁷⁶
Jurisdiction	The models differ in where the jurisdiction of offences lies. The Rajasthan Bill allows for offences to be tried by a Court of Session notified by the High Court,⁷⁷ which may take direct cognisance without the accused being committed to it for trial⁷⁸ and try connected offences at the same trial.⁷⁹ The 2023 Bill and the Karnataka Eva Nammava Act both establish Special Fast Track Courts, each designated from among the District Courts in consultation with the High

⁶⁴ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 24.

⁶⁵ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 24(8).

⁶⁶ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, Chapter V.

⁶⁷ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 23, s 22.

⁶⁸ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 15.

⁶⁹ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 15.

⁷⁰ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 23(11).

⁷¹ The Prohibition of Interference with the Freedom of Matrimonial Alliance Bill 2012, s 8(f).

⁷² Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 18.

⁷³ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 21.

⁷⁴ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 20.

⁷⁵ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 27(1).

⁷⁶ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 27(2).

⁷⁷ Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, s 10(1).

⁷⁸ Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, s 10(2).

⁷⁹ Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, s 10(3).

	Court, presided over by a trained judge, and empowered to take direct cognisance of offences without committal for trial.⁸⁰ Under the Karnataka Eva Nammava Act, the presiding judge is to dispose of cases, as far as possible, within two months.⁸¹ The 2023 Bill allows the court to frame charges simultaneously under the PoA Act and other applicable laws, and mandates the trial to be concluded within twelve months of the filing of the chargesheet or final investigation report.⁸²
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⁸⁰ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 30; Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 25.

⁸¹ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava, Eva Nammava) Act 2026, s 25(3), s 25(4).

⁸² The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, ss 31(b)-(c).

IV. Framework of a new law on honour-based crime in Tamil Nadu

In this chapter, we suggest a framework for a new law to address honour-based crimes in Tamil Nadu: *The Tamil Nadu Freedom of Marriage and Association and Prevention of Crimes in the Name of Honour (En Vāzhkkai, En Urimai) Act*. We have highlighted the integral components that must be incorporated while formulating this law. The larger legislative framework, once grounded in progressive principle-based policy decisions, may be tailored to meet regional requirements relevant to Tamil Nadu.

A. What is ‘honour’?

Honour-based crime is typically perpetrated in response to deviance from socially accepted behaviour. In drafting a legislation aimed at curbing offences motivated by ‘honour’, the term ‘honour’ must be defined or otherwise characterised in a broad, inclusive manner. It must not be tied exclusively to matrimonial relations or to inter-caste associations alone; and must holistically account for varied triggers including one’s choice of partner, caste, sub-caste, religion, race, profession, marital status, gender identity, gender expression, sexual orientation, colour, disability status, place or family of birth, and so on.

The following points may be particularly kept in consideration:

- a. Honour is socially perceived and collectively attributed, rather than being an independent reality, and must be understood and framed as such;
- b. The social and/or moral valuation ascribed to ‘honour’ is shaped by social stratification and societal standing associated with certain identities, traditions, behaviours, and norms;
- c. Perceptions of ‘honour’ reinforce the hierarchisation of ascribed or acquired identities; and of traditions, behaviours, and norms associated with said identities;
- d. The hierarchies and valuations through which ‘honour’ is constructed are themselves subject to socially accepted rules that determine what is considered dishonourable.

The law may also characterise actions, behaviours, and decisions taken on the basis of specified triggers in relation to the broader understanding of what constitutes, defies, breaches, or threatens ‘honour’. This approach is seen in the Karnataka Eva Nammava Act⁸³ which acknowledges and prohibits ‘crimes in the name of honour and tradition’. Similarly, the 2023 Bill defines ‘practices in the name of ‘honour’⁸⁴ instead of describing what constitutes honour.

B. Scope of a legislation on honour-based offences

The scope and applicability of a law on honour-based offences must be adequately broad to make room for all victims of honour-based discrimination, all institutional and individual perpetrators of the same, and all forms of conduct that honour-based discrimination, systemic exclusion, and targeted offences may take.

⁸³ The Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Eva Nammava) Act, 2026, s 5.

⁸⁴ The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill, 2023, s 2(i).

(i) *Victims of honour-based crime*

A law seeking to protect victims of honour-based crime *must include a gamut of associations, not just marriage*,⁸⁵ which see an interplay of honour and identity. Evidence suggests⁸⁶ that honour killings are used as tools of social and familial protest as well as control against relationships and associations other than marital ones alone. These may include killings on the basis of inter-caste live-in relationships, romantic ties,⁸⁷ and even friendships⁸⁸ outside of one's caste or sub-caste.

The Karnataka Eva Nammava Act limits its understanding of honour-based crimes to those committed in response to inter-caste marriage. The Law Commission's 242nd Report similarly seeks to address conduct which interferes with freedom in matrimonial alliances. This is an appropriate place to begin, given the tendency of honour killings and other honour-based crimes to be triggered by marriages⁸⁹ across the lines of caste, sub-caste, or religion.

A protective, rights-based or social welfare-oriented legislation must generally be applied broadly, to extend its benefit to the widest framing of beneficiaries. Victims must be conceived of liberally and inclusively.

(ii) *Perpetrators of honour-based crime*

A protective legislation must acknowledge the existence of a perpetrator from whom the need for protection originates. The purpose of such identification is not primarily to punish, but to adequately ascribe accountability and to shift the burden of safety away from the victim. Non-exhaustively and subject to further examination of local realities, the following *perpetrators or sites of honour-based crimes must particularly be accounted for*:

- a. **Individual aggressors, family members:** Family members of the victims, or of the persons they associate with, are often the primary perpetrators of honour-based crimes. The law must adequately safeguard against offences committed by one's family, social circle, and other individuals seeking to act in the name of honour. This must be done through a combination of preventive, protective, and rehabilitative measures.
- b. **Community:** Honour-based crimes are rooted in collective behaviour shaped by caste-based and other identity-based norms. This manifests not only in the form of the victim's surrounding society at large, but also through diktats imposed by informal groups having local recognition, such as *katta panchayats*.⁹⁰ The Law Commission's 242nd Report lays out a framework for combating the role of *katta panchayats* and similar bodies by prohibiting unlawful assemblies and conduct that interferes with the freedom of matrimonial alliances.
- c. **State actors:** Individuals and institutions that wield the power of the State, such as the police or the local administration, may be the aggressors in honour-based crimes in two ways:
 - i. Themselves perpetrating honour-based crime against victims, or actively aiding the family, other individuals, or larger society in doing so; or

⁸⁵ 'Caste violence victims insist on separate law' *Times of India* (26 May 2025) <<https://timesofindia.indiatimes.com/city/madurai/caste-violence-victims-insist-on-separate-law/articleshow/121398186.cms>> accessed 16 September 2026.

⁸⁶ See: Section 1 of the submissions.

⁸⁷ ETB Sivapriyan, '27-year-old Dalit youth hacked to death by girlfriend's brother in Tamil Nadu' *Deccan Herald* (28 July 2025) <<https://www.deccanherald.com/india/tamil-nadu/27-year-old-dalit-youth-hacked-to-death-by-girlfriends-brother-in-tamil-nadu-3652462>> accessed 16 September 2026.

⁸⁸ Ishita Mishra, 'Dalit youth allegedly beaten to death over relationship with upper-caste girl in Uttarakhand' (*The Hindu*, 09 June 2026) <<https://www.thehindu.com/news/national/uttarakhand/dalit-teen-beaten-to-death-in-tehri-garhwal-over-inter-caste-friendship/article71079185.ece>> accessed 16 September 2026.

⁸⁹ K. Chandru, 'Is there any 'honour' in killing?' *Frontline* (06 August 2025) <<https://frontline.thehindu.com/politics/honour-killings-tamil-nadu-intercaste-laws/article69902087.ece>> accessed 16 September 2026.

⁹⁰ 'India court calls for 'stamping out honour killing'' *BBC* (20 April 2011) <<https://www.bbc.com/news/world-south-asia-13139482>> accessed 16 September 2026.

- ii. Failing to perform their duty towards the victims, through procedural non-compliance with safeguards laid down against honour-based crime, thereby indirectly facilitating its perpetration.

Similar to the approach taken in the Karnataka Eva Nammava Act, the law must impose a positive obligation on state actors to act in compliance with the objectives of the law⁹¹, as well as assign liability for perpetrating harm or for failing to perform one's duty.⁹²

(iii) Nature of conduct as honour-based crime

Honour-based crime is insidious, and spreads across a range of individual and group behaviours⁹³. Such conduct may be considered and addressed in a three-fold manner:

- a. **Honour-motivated violence:** Conduct such as criminal intimidation, coercion, and various forms of violence is already criminalised and punished under the BNS, as well as under other special and local laws. When such conduct is motivated by considerations of honour, the law on honour-based crime must extend its protective, preventive and rehabilitative framework, as well as punish such conduct.
- b. **Economic boycott:** The law may include any of the following actions, among others, when done with an intention to enforce social or economic sanctions:
 - i. Abstaining from professional or business relations;
 - ii. Abstaining from providing loans or credit;
 - iii. Denying opportunities, including access to services or contractual opportunities for rendering service for consideration;
 - iv. Cutting off commercial ties with the victim or the victim's family.
- c. **Social boycott:** The law should similarly recognise and prohibit social boycotts imposed with the intention of enforcing social or economic sanctions against an individual or family. In defining the scope of such conduct, the expansive characterisation of social boycott under the Maharashtra Social Boycott Act⁹⁴ may provide a useful legislative reference point, while the particular social realities of Tamil Nadu should also be taken into account. The definition may, among other things, encompass the following forms of conduct:
 - i. Committing or causing the commission of social ostracism or humiliation;
 - ii. Expelling or causing to expel the victim from their community;
 - iii. Performing symbolic disownment rituals or death ceremonies against any living person(s);
 - iv. Preventing or obstructing access to or usage of any place used or intended to be used for a charitable, religious or public purpose;
 - v. Refusing or denying the right to perform marriage, funeral or other religious ceremonies and rites which the members of the victim's own community usually and ordinarily perform;
 - vi. Compelling the wearing of any particular type of clothes or the use of any specific language as a cultural obstacle;
 - vii. Refusing admission in school.

The above lists are merely indicative with reference to economic as well as social boycott. A residuary clause may be included, along the lines of 'any other similar acts which amount to economic or social boycott'.

⁹¹ The Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Act, 2026, s 18-19, 21(1), 21(2).

⁹² The Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Act, 2026, s 20, 21(3).

⁹³ C Palanivel Rajan 'The untold stories of families torn apart by caste murders in Tamil Nadu', *The Hindu* (09 September 2025) <<https://www.thehindu.com/news/national/tamil-nadu/the-untold-stories-behind-caste-killings/article70023215.ece>> accessed 16 September 2026.

⁹⁴ The Maharashtra Protection of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016, s 3.

C. Preventive, Protective and Rehabilitative Architecture

In order to effectively deal with honour-motivated crimes in Tamil Nadu, the law must establish a robust framework for the prevention of crimes and the protection and rehabilitation of victims. Rather than only relying on harsh punishments, the problem must be addressed through interventions at various touchpoints such as the caste or community panchayats, natal family and joint family, the workplace and neighbourhood where social and economic boycott is enforced and the police station, where victims first seek State protection.

Unlike the Law Commission Bill⁹⁵ and Rajasthan Bill,⁹⁶ both of which confine themselves to unlawful assemblies, the law must identify and act at each of these sites. It should also be designed in a manner that instils confidence in victims and makes their interaction with the state simple and immediate, and the duties of the state non-discretionary. It should therefore create an institutional architecture that:

- a. Prevents any form of honour-based crime, including social or economic boycott, or the formation of extra-legal and unlawful assemblies that coerce, intimidate, or punish individuals for associations perceived to offend the 'honour' of the family or community;
- b. Protects individuals from these crimes or boycotts by prescribing justiciable rights for individuals, and by placing specific, non-discretionary responsibilities on police officers and the district administration to protect individuals facing threat to life and liberty, or facing any form of social and economic boycott; and
- c. Rehabilitates victims through compensation schemes and economic assistance.

(i) *Prevention of honour-based crime*

As the family can be both a site of perpetration and a site of victimisation, the preventive framework must enable timely intervention where individuals face threats from their own family members. The law must accordingly provide for prevention through the following measures:

(a) Declare all forms of caste or community panchayats convened to adjudicate upon, influence, or punish individuals unlawful

The law should expressly declare unlawful all caste or community panchayats convened to adjudicate upon, or influence, an individual's personal, matrimonial or associational choices or identity. Convening such an assembly should be made an offence, with individual liability extending to every person who convenes, organises or participates in it. A similar approach is adopted under the Karnataka Social Boycott Act,⁹⁷ the Karnataka Eva Nammava Act⁹⁸ and the Rajasthan Bill,⁹⁹ and was recommended by the Law Commission in its 242nd Report.¹⁰⁰

⁹⁵ Law Commission of India, *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework* Report No 242 (August 2012) <<https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6>> accessed 16 September 2026.

⁹⁶ Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019 <<https://assembly.rajasthan.gov.in/BillInformationSystem/BillReport/Bill23-2019.pdf>> accessed 16 September 2026.

⁹⁷ Karnataka Social Boycott (Prevention, Prohibition and Redressal) Act, 2025, s 6.

⁹⁸ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Act) Act, 2026, s 6.

⁹⁹ Rajasthan Prohibition of Interference With the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, s 3.

¹⁰⁰ Law Commission of India, *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework* Report No 242 (August 2012) <<https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6>> accessed 16 September 2026.

(b) Empower courts to issue preventive injunctions

The law should empower the Judicial Magistrate First Class, Special or Fast Track Court to issue injunctions against any person, including family members and caste or community panchayats, where there is a threat of honour-based crime or social or economic boycott.¹⁰¹ Such injunctions should restrain the person from committing or continuing any act of coercion, violence or boycott against the person at risk. Any violation of the injunction should be made punishable.

The court should also be empowered to direct the police or district administration to take necessary measures to protect the person at risk. This would enable intervention before harm occurs, rather than relying solely on *post facto* prosecution.

(c) Establish Special Cells for prevention of crimes in the name of ‘honour’

The law should provide for the establishment of Special Cells in every district, comprising the Superintendent of Police, the District Social Welfare Officer and the District Adi Dravidar Welfare Officer.¹⁰² The Special Cells should serve as a dedicated mechanism for early identification of threats and timely preventive intervention. They should:

- a. Receive and register petitions or complaints concerning harassment, intimidation, or threat of any honour-based violence;
- b. Establish a dedicated 24-hour telephone and email helpline to receive and register such complaints and to provide necessary assistance, advice, and immediate protection;
- c. Provide access to mental health professionals, counsellors, or social workers for victims and their families; and
- d. Assess the safety needs of persons at risk and ensure access to safe accommodation, protection, and legal aid.

(d) Establish Caste Panchayat (Monitoring, Prevention and Intervention) Teams

The law should provide for the establishment of Caste Panchayat (Monitoring, Prevention and Intervention) Teams in districts with high incidences of honour-based crimes.¹⁰³ These teams should comprise a designated government officer and social workers, human rights activists, NGOs, and lawyers. They should be responsible for identifying and documenting the activities of caste and community panchayats that may involve any form of coercion, intimidation, or interference.

The Teams should have a specific mandate to share information and coordinate with the Special Cells and the police, and to facilitate timely preventive action where there is a risk of honour-based violence or social or economic boycott. This mechanism would create an institutional link between the identification of threats at the community level and intervention by the state, enabling action before a threatened harm materialises rather than relying solely on *post facto* enforcement.

(e) Provide training and capacity-building for police officers

The law should mandate regular training and capacity-building for police officers, tailored to their rank, functions and responsibilities in preventing and responding to honour-based crime. The state government may also collaborate with police training institutions, universities, academic institutions, civil society organisations,

¹⁰¹ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Eva Nammava) Act, 2026, s 7.

¹⁰² B. Dilipkumar v The Secretary to Government 2014 SCC OnLine Mad 7725; Shakti Vahini v Union of India (2018) 7 SCC 192.

¹⁰³ Evidence, ‘Traditional Caste Panchayats and Human Rights Violations’ <<https://evidence.org.in/traditional-caste-panchayats-and-human-rights-violations/>> accessed 16 September 2026.

subject-matter experts, and other professional bodies for the design, development, and delivery of such training programmes.

(f) Awareness, sensitisation and counselling in schools and universities

The law should mandate all educational institutions to conduct regular awareness and sensitisation programmes for students, faculty and parents on subjects including caste, gender, right to choice, non-discrimination and harms caused by honour-based violence. These programmes should also inform students about their rights and the support and protection mechanisms available to them if they face the threat of honour-based violence, including social or economic boycott.

Educational institutions should also be required to establish counselling cells, staffed by trained counsellors capable of identifying students at risk and, with their consent, referring them to the Special Cells for protection and assistance.

The law should also impose a mandatory reporting obligation for educational institutions where they become aware of a threat of honour-based violence or boycott. The reporting framework should clearly specify the circumstances triggering such an obligation, and provide appropriate safeguards to ensure that reporting does not expose the student to further harm.

(ii) Protection from honour-based crime

As honour-based crime or boycotts are perpetrated by the family or the wider community, access to safe accommodation, food and financial assistance becomes crucial. The law should therefore establish a protective framework that provides timely and adequate assistance to persons at risk. It should confer specific, justiciable rights on persons at risk, so that they know the protection and assistance to which they are entitled, and impose clear positive obligations on police officers and other public servants to provide such protection.

(a) Establish safe houses in every district

The law must provide for the establishment of at least one safe house in each district to accommodate any persons facing the threat of honour-based violence or boycott.¹⁰⁴ Safe houses should operate under the supervision of the district administration and the Superintendent of Police, and be directly linked to the Special Cells established under the law, so that persons identified as being at risk can be provided immediate access to safe accommodation.

The law should prescribe minimum standards for the safety, security and functioning of these safe houses, including round-the-clock security arrangements, controlled access, and appropriate surveillance. The safe houses should also provide or facilitate access to basic necessities, including food, medical care, and financial and legal aid, so that persons at risk are not compelled to return to an unsafe environment due to lack of basic support.

(b) Rights of the victims

The law should provide every individual the right to:

- a. Approach any police station or police officer at any time to seek police assistance, report an offence or provide information in regard to any offence or unlawful assembly;
- b. Seek protection against any kind of intimidation, coercion, inducement, or violence or threat of violence;
- c. Be informed, in such manner as may be prescribed, of the status of action taken or the progress of investigation relating to the complaint or First Information Report;

¹⁰⁴Shakti Vahini v Union of India (2018) 7 SCC 192; Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Eva Nammava) Act, 2026, s 17(5).

- d. Be heard, in the manner prescribed, in any proceeding relating to bail, discharge, release on parole, conviction, or sentencing of the accused and to file written submissions on conviction, acquittal or sentencing;
- e. Have one's privacy and identity protected, including concealment of name and other identifying details where necessary for safety; and
- f. Have access to immediate protective measures including safe accommodation or emergency relocation to ensure one's safety.

(c) Duties of public servants

The law should mandate all public servants to:

- a. Take appropriate steps against any unlawful assembly, or against any other person who has committed, or against whom there is credible information or reasonable apprehension that they are likely to commit, an offence in the name of honour;
- b. Disperse any unlawful assembly where information of its convening is received beforehand;
- c. Record accurately the complaint of any person, informant, victim, witness in regard to any offence;
- d. Provide safe accommodation, police protection, or relocation, to persons facing threat or at risk of an honour-based crime;
- e. Enforce the law impartially and ensure that policing services are delivered fairly and without discrimination on the grounds of religion, race, caste, sexual orientation, gender identity, language, disability, socio-economic status and political opinion or belief; and
- f. Ensure that privacy of the victim and witnesses is maintained.

(d) Witness protection

Under Section 398 of the BNSS, every state government is required to prepare and notify a Witness Protection Scheme. In cases of honour-based crime, witness protection becomes even more crucial, as the threat is most often from the witness's own family and community. Fear also dissuades witnesses from coming forward, as they may face the threat of boycott, pressure to withdraw their statements, or pressure not to cooperate with the prosecution.

As Tamil Nadu does not yet have a state-specific scheme,¹⁰⁵ the state should create and notify one. The Scheme should provide for the establishment of dedicated witness protection cells, prescribe the categories of witnesses who may be provided protection, and specify the forms of protection and assistance that may be made available. It should also provide for a clear and accessible procedure for seeking protection and for the timely assessment and periodic review of threats faced by witnesses in honour crime cases.

(e) Ensure timely investigation and trial

Timely investigation and trial are crucial to the effectiveness of any legislation. This is particularly important in cases of honour-based crime, where prolonged proceedings can leave victims and witnesses exposed to continuing threats, intimidation and social or economic boycott. However, there is no uniform legislative approach to ensure this. While Karnataka has provided for the establishment of Fast Track Courts,¹⁰⁶ Rajasthan has not adopted a similar approach. Moreover, the establishment of Fast Track Courts by itself does not necessarily ensure timely disposal of cases as delays may arise from factors such as inadequate judicial capacity, delays in investigation and prosecution-related constraints. For instance, there is significant pendency under the

¹⁰⁵ Mohamed Imranullah S., 'When will you frame the witness protection scheme', *The Hindu* (23 July, 2025) <<https://www.thehindu.com/news/national/tamil-nadu/when-will-you-frame-witness-protection-scheme-under-bnss-madras-hc-asks-tn-govt/article69130828.ece>> accessed 16 September 2026.

¹⁰⁶ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Eva Nammava) Act, 2026, s 25.

PoA Act, even though there are Special Courts and Exclusive Special Courts for the expeditious trial of offences.¹⁰⁷

The state government should therefore first assess the number and nature of honour crime cases in the state, the stages at which delays occur, the reasons for pendency, and the specific challenges faced in investigation and prosecution. Based on this assessment, the law should provide for an institutional and procedural framework capable of addressing these constraints and ensuring timely investigation and trial. This may include consideration of dedicated or Fast Track Courts where warranted, but should not treat their establishment as a substitute for addressing the underlying causes of delay.

(iii) Rehabilitation of victims

The Tamil Nadu Victim Compensation Scheme, 2013, framed under Section 357A of the Code of Criminal Procedure, 1973 (now Section 396 of the BNSS), should be amended to expressly include victims of offences under this law.

In addition to the Victim Compensation Scheme, the state government should also frame a scheme for providing immediate relief and rehabilitation to victims and witnesses. Such a scheme may include provisions for:

- a. Immediate relief in cash or kind to victims;
- b. Relief in respect of death, injury or damage to property as a consequence of any honour-based crime;
- c. Food, shelter, medical aid, transport facilities or daily allowances to victims;
- d. Maintenance expenses to victims; and
- e. Maintenance of any dependant of the victim.

D. Offences and Penalties

As specified in the sections above, honour-based crime can manifest in various forms ranging from social or economic boycott to wrongful confinement, physical violence, and murder. An effective legal framework must therefore recognise and address the different forms such conduct may take, while ensuring that criminalisation and punishment remain proportionate to the nature and gravity of the conduct.

For instance, the Karnataka Eva Nammava Act¹⁰⁸ recognises crimes committed in the name of honour and tradition, social and economic boycott, and conducting or participating in unlawful assemblies. The law should similarly criminalise conduct identified in the sections above. This may include:

- Convening, organising or participating in an unlawful assembly;
- Imposing or enforcing social and economic boycott;
- Disobeying an injunction issued by the court under the law; and
- Public servants failing to perform their duties prescribed by the law.

(i) Conduct already criminalised under the BNS

A substantial part of the conduct associated with honour-based crime is already criminalised under the BNS. This includes murder,¹⁰⁹ murder by a group of five or more persons on the ground of caste, community and other

¹⁰⁷ Special Correspondent, 'Pendency rate, acquittals high in SC/ST Act cases in T.N', *The Hindu* (24 April 2018) <<https://www.thehindu.com/news/national/tamil-nadu/pendency-rate-acquittals-high-in-scst-act-cases-in-tn/article23651116.ece>> accessed 18 September 2026; Bharathy Singaravel, 'Over 6,000 caste atrocity cases pending in TN courts, oldest case from 1992' *The News Minute* (16 February 2023) <<https://www.thenewsminute.com/tamil-nadu/over-6000-caste-atrocity-cases-pending-in-courts-oldest-case-1992-173342>> accessed 18 September 2026.

¹⁰⁸ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Act, 2026, s 8-14.

¹⁰⁹ Bharatiya Nyaya Sanhita 2023, s 103(1).

similar grounds,¹¹⁰ kidnapping,¹¹¹ abduction,¹¹² wrongful confinement,¹¹³ wrongful restraint,¹¹⁴ voluntarily causing grievous hurt,¹¹⁵ criminal intimidation,¹¹⁶ and abetment.¹¹⁷ The gap lies in the absence of recognition of the aggravated nature of these offences when they are committed in the name of protecting honour.

The law should therefore recognise these offences specifically in the context of honour-based crimes and provide proportionate enhanced punishments, wherever warranted by the nature and gravity of the conduct. It should also provide for enhanced fines for all such offences and empower the court to direct that the fine imposed as part of the punishment should be applied towards compensation to the victim. Where the offence results in death, such compensation should be made available to the victim's family or dependants.

(ii) Punishment for violations by public servants

Public servants play a crucial role in cases involving honour-based crime, as timely intervention by the police and district administration may prevent violence, facilitate access to protection, and ensure that victims are not subjected to further harm. In cases where public servants become the abettor, facilitator or perpetrator of crime, enhanced punishment should be attached to such conduct.

E. Special Procedural Standards

Since honour-based crime often occurs within households, families or communities, it may involve intimidation, fear of retaliation, familial or community pressure and the participation of multiple actors. For instance, in a 2024 honour killing case, the Madras High Court transferred the trial after allegations that witnesses were being threatened and intimidated by persons associated with the accused.¹¹⁸ In another case involving a suspected honour killing in 2025, the Government of Tamil Nadu transferred the investigation to the CB-CID to ensure a 'free, fair and unbiased investigation', where one of the accused was the son of police officials.¹¹⁹

As a result, establishing both the conduct and its honour-based motivation may present evidentiary and procedural challenges, and general criminal procedure may not adequately account for these circumstances. The law should therefore provide procedural safeguards and evidentiary standards that facilitate effective prosecution and protect the participation of victims and witnesses.

(i) Fact-specific presumptions

In honour-based crime, it is often difficult to establish the offence, the roles played by individual perpetrators, their knowledge and the extent of their participation in the offence. Existing legislative approaches¹²⁰ governing sensitive social issues, particularly inter-caste marriages or dowry deaths, prescribe presumptions that

¹¹⁰ Bharatiya Nyaya Sanhita 2023, s 103(2).

¹¹¹ Bharatiya Nyaya Sanhita 2023, s 137.

¹¹² Bharatiya Nyaya Sanhita 2023, s 138.

¹¹³ Bharatiya Nyaya Sanhita 2023, s 127.

¹¹⁴ Bharatiya Nyaya Sanhita 2023, s 126.

¹¹⁵ Bharatiya Nyaya Sanhita 2023, s 117.

¹¹⁶ Bharatiya Nyaya Sanhita 2023, s 351.

¹¹⁷ Bharatiya Nyaya Sanhita 2023, s 45.

¹¹⁸ 'Madras HC transfers trial in "honour killing" case from Nellore to Madurai court', The New Indian Express (16 March 2024). <<https://www.newindianexpress.com/states/tamil-nadu/2024/Mar/15/madras-hc-transfers-trial-in-honour-killing-case-from-nellore-to-madurai-court>> accessed 16 September 2026.

¹¹⁹ 'TN "Honour killing": Father held, case transferred to CB-CID', The New Indian Express (31 July 2025). <<https://www.newindianexpress.com/states/tamil-nadu/2025/Jul/31/honour-killing-father-held-case-transferred-to-cb-cid>> accessed 17 September 2026

¹²⁰ Law Commission of India, Prevention of Interference with the Freedom of Matrimonial Alliances (in the Name of Honour and Tradition): A Suggested Legal Framework, Report No 242 (August 2012), s 20, 21, <<https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6>> accessed 16 September 2026.

substantially shift the burden of proof onto the accused. The Rajasthan Bill,¹²¹ for instance, creates a presumption of guilt against every person participating in an unlawful assembly, while the 2023 Bill¹²² and the Dowry Prohibition Act, 1961¹²³ also completely reverse the burden of proof, by requiring the accused to prove that the offence was not committed by them.

However, such an approach which substantially or entirely reverses the burden may place an onerous evidentiary burden on the accused and displace the prosecution's responsibility to establish guilt. The proposed law should adopt a fact-specific and limited approach, where the primary burden of proving guilt beyond reasonable doubt remains on the prosecution, in the following manner:

- a. The law should provide for rebuttable presumptions in specified circumstances, once the prosecution has established foundational facts of the offence;
- b. Any such presumption should be limited to the relevant factual situation and should be contingent on the prosecution's burden of establishing the foundational facts and ingredients of the offence beyond reasonable doubt.

The framework may draw from the PoA Act,¹²⁴ which adopts targeted presumptions in relation to specified facts, particularly collective action, intentional assistance and participation in an honour-based diktat or assembly.

(ii) Expanded definition of abetment

Honour-based crime usually involves several persons performing different roles. The person who causes the injury or carries out discrimination may not be the person who issues the threat, convenes an assembly, imposes a social sanction or otherwise facilitates the offence.¹²⁵ The law should therefore:

- a. Expressly recognise abetment, instigation, facilitation, financing and other forms of intentional assistance in the commission of an honour-based offence, as done in the 2023 Bill.¹²⁶
- b. Recognise intentional participation in a caste, community, panchayat or other collective assembly, diktat or decision where such participation encourages or facilitates the commission of an offence under the law, similar to the approach in the Law Commission Bill.¹²⁷
- c. Not criminalise mere familial, caste or community association.

(iii) Cognisability, bail, and conduct of proceedings

There is a continuing risk of intimidation, interference and pressure during investigation and trial due to familial or community involvement in the offence. Delay may further expose victims and witnesses to continuing threats, danger, or harm.¹²⁸ The procedural framework should therefore ensure that serious honour-based offences are investigated and adjudicated expeditiously, while protecting proceedings from local influence and preserving the safety and privacy of those involved.

¹²¹ Rajasthan Prohibition of Interference With the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, s 6.

¹²² The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill, 2023, s 21.

¹²³ The Dowry Prohibition Act, 1961, s 8A.

¹²⁴ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, s 8.

¹²⁵ Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 17; Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Eva Nammava) Act 2026, s 14.

¹²⁶ Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill, 2023, ss 17, 20.

¹²⁷ Law Commission of India, Prevention of Interference with the Freedom of Matrimonial Alliances (in the Name of Honour and Tradition): A Suggested Legal Framework, Report No 242 (August 2012), s 6, <<https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6>> accessed 16 September 2026.

¹²⁸ 'Madras HC transfers trial in "honour killing" case from Nellai to Madurai court', The New Indian Express (16 March 2024). <<https://www.newindianexpress.com/states/tamil-nadu/2024/Mar/15/madras-hc-transfers-trial-in-honour-killing-case-from-nellai-to-madurai-court>> accessed 16 September 2026.

- a. The law should classify all offences that carry an element of violence, discrimination or boycott as cognisable, non-bailable, and non-compoundable. A similar approach has been followed in the Law Commission Bill,¹²⁹ the Rajasthan Bill,¹³⁰ and the 2023 Bill.¹³¹
- b. It should empower the state government to transfer the investigation or proceedings where there are reasonable grounds to believe presence of local influence, intimidation or institutional bias.¹³²
- c. The law should prescribe clear timelines for investigation and filing of the final report, and for trial and disposal of cases.
- d. The law should permit courts to conduct proceedings in-camera, restrict disclosure of information and adopt other measures necessary to protect the testimonies of victims and witnesses during the criminal trial as done in the 2023 Bill¹³³ and the Karnataka Eva Nammava Act.¹³⁴

F. Implementation and Monitoring

The effectiveness of the law will depend on the existence of a clear institutional framework for coordinating, supervising and reviewing its implementation. Since it will involve different departments, there should be clear allocation of roles, responsibilities and duties. In addition, the implementation framework should strengthen existing administrative arrangements rather than creating new departments, authorities or bodies.

(i) Coordination, review and monitoring

The implementation of the law will require coordination across the police and district administration, as well as departments overseeing Adi Dravidar and tribal welfare, social and community welfare, rural development, labour and employment, housing and urban development, and other relevant departments. To ensure cohesive implementation, the law should clearly delineate responsibilities vis-a-vis coordination and monitoring the implementation of the law.

The law should provide for:

- a. Designation of a senior officer, preferably the Secretary, within the nodal department as the State Nodal Officer responsible for coordinating implementation across departments and districts;
- b. Preparation of an implementation framework setting out the responsibilities of the concerned departments and the mechanisms for inter-departmental coordination;
- c. District-level monitoring committees to review implementation, prosecution, the role of officers/agencies and reports received by the district administration, and requiring the committee to meet at least once every three months;
- d. Time-bound review by the nodal department of the implementation of the law across districts, consolidation of information received from districts and submission of periodic reports to the state government.

¹²⁹ Law Commission of India, Prevention of Interference with the Freedom of Matrimonial Alliances (in the Name of Honour and Tradition): A Suggested Legal Framework, Report No 242 (August 2012), s 12, <<https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6>> accessed 16 September 2026.

¹³⁰ Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, s 11.

¹³¹ Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill, 2023, s 22.

¹³² B Dilipkumar v Govt of Tamil Nadu (2014) SCC OnLine Mad 7725.

¹³³ Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill, 2023, s 37.

¹³⁴ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava Act, 2026, ss 16(6)-(7).

(ii) Accountability and data collection

The effectiveness of statutory duties depends on mechanisms for identifying and addressing failures in implementation. Accountability should therefore extend beyond the creation of duties and include institutional mechanisms for reviewing whether those duties are being discharged.

The law should provide for:

- a. Periodic review of performance by departments and district authorities with obligations imposed under the law, and review of instances of delay, non-compliance or failure to perform statutory duties;
- b. Appropriate administrative action¹³⁵ and criminal punishments¹³⁶ where a public servant fails to discharge duties under the law;
- c. A standardised system of data collection covering cases under the law, action taken, and the outcomes of investigations and prosecutions.

The implementation and monitoring framework may draw from the State Nodal Officer and quarterly review mechanism proposed in the 2023 Bill,¹³⁷ the district-level monitoring and periodic review mechanism under the Karnataka Eva Nammava Act,¹³⁸ and the Tamil Nadu Government's Model Contingency Plan under the SC/ST (Prevention of Atrocities) Rules, 1995,¹³⁹ which assigns operational roles, timelines and responsibilities across departments and officers.

¹³⁵ See Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava) Act, 2026, s 20.

¹³⁶ See Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, s 27.

¹³⁷ Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2023, ss 29–30.

¹³⁸ Karnataka Freedom of Choice in Marriage and Prevention and Prohibition of Crimes in the Name of Honour and Tradition (Eva Nammava) Act 2026, s 23.

¹³⁹ Tamil Nadu Government, Model Contingency Plan under Rule 15 of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and the Amended Rules, 2016, GO Ms No 55, Adi Dravidar and Tribal Welfare (PA2) Department (1 September 2017) <https://www.stationeryprinting.tn.gov.in/extraordinary/2017/281_Ex_III_1a.pdf> accessed 17 September 2026.

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