

## Honour killing: A dishonour to the society

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### Abstract

Honour killings and honour related violence is a neglected area in criminology. Honour crimes are acts of violence, which are mostly committed by male family members predominantly against female [relatives], who are perceived to have brought dishonour upon the family. A woman can be targeted by individuals within her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce even from an abusive husband, or (allegedly) committing adultery. The mere perception that a woman has behaved in a specific way to “dishonour” her family, is sufficient to trigger an attack. The loose term of Honour killing applies to both males and females that practice it. The most obvious reason for this practice to continue in India is the fact that the caste system continues to be at its rigid best and also because people from the rural areas refuse to change their attitude towards marriage. Mostly women are victims of honour killings in India.

**Keywords:** honour killings, dishonour, khap panchayats, violence

### 1. Introduction

Honour based violence is a crime or incident, which has or may have been committed to protect or defend the honour of the family or community. It is the fundamental abuse of human rights. There is no honour in the commission of the murder, rape, kidnap and many other acts, behaviour and conduct which make-up violence in the name of so-called “honour”. It is the collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and community by breaking their honour code <sup>[1]</sup>.

Women are predominantly (but not exclusively) the victims of so-called honour based violence which is used to assert male power in order to control female autonomy and sexuality. Honour based violence can be distinguished from other forms of violence, as it is often committed with some degree of approval and collusion from family e.g. murder, suicide, forced marriage, controlling sexual activity, domestic abuse, rape, kidnapping, false imprisonment, threats to kill, assault, harassment, forced abortion.

Honour based violence is a collective crime, where the motive is restoring reputation in the eyes of the community. The regime of honour is unforgiving women, on whom suspicion has fallen are not given an opportunity to defend themselves, and family members have no socially acceptable alternative but to remove the stain on their honour by attacking the woman. The most extreme form of honour based violence is an honour killing where the supposed offender against family honour is killed to restore the honour which has supposedly been lost through her behaviour. It is a cultural phenomenon and can affect any community. The United Nations Population Fund reported 5000 honour killings internationally per year. More than 1000 honour killings occur in India and Pakistan. 12 honour killings occur per year in UK. These figures are considered estimates and are widely believed to be severe

underestimates <sup>[2]</sup>. Due to lack of focused reporting and recording of honour killings internationally very little is known about the true extent of HBV worldwide.

According to a poll done by the BBC’s Asian Network, 1 in 10 of the 500 Hindus, Sikhs, Christians and Muslims surveyed said they would condone any murder of someone who threatened their family’s honour. As far as India is concerned, “honour killings” are mostly reported from the States of Haryana, Punjab, Rajasthan and U.P. Bhagalpur in Bihar is also one of the known places for “honour killings”. Even some incidents are reported from Delhi and Tamil Nadu <sup>[3]</sup>.

According to a report in The Hindu, Haryana, Punjab and Uttar Pradesh account for about 900 honour killings and another 100 to 300 occur in the rest of the country. The report says: “Forced marriages and honour killings are often intertwined. Marriage can be forced to save honour.” A woman can be murdered for rejecting a forced marriage and marrying a partner of her own choice, who is not acceptable to her family. In traditional societies, ‘honour killings’ are basically ‘justified’ as a sanction for dishonourable behaviour.

### 2. Honour Killing – A social evil in India

India's social system is based on a caste hierarchy but over the years people living in the cities have come out of the rigid caste framework. There has been an increase in the number of inter-caste marriages between couples in the cities. In fact the government helps those above the age of eighteen in such matters. But somehow the laws never seem to reach the villages, and they continue to function on their own belief system. The problem in the villages is the strong presence of a *panchayat* or informal court that consists of members of the same caste and decides all matters relating to their community. This informal 'court' passes judgement on issues of marital discord and land disputes, water disputes and so on. Many times, villagers give more importance to judgements passed by this self-appointed court than the judgements passed by the local legal court, often referred to as 'legal panchayat' <sup>[4]</sup>.

In *Lata Singh v. State Of U.P.* [5], a case of inter-caste marriage, the Supreme Court viewed honour killings as murder and held that "...However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country and once a person becomes a major, he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve such inter caste or inter religious marriage, the maximum they can do is that they can cut off social relations with the son or daughter, but they cannot harass the person who undergoes such inter caste or inter religious marriage. We sometimes hear of 'honour' killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism."

In the past few years, there has been a spate of murders in the name of protecting family or community honour. Many couples are being killed, publicly humiliated and declared as brothers and sisters. Couples have faced social ostracisation from the society. Many have been killed in cold murder after torture. The victims have approached the law enforcement agencies and still faced severe trauma and humiliation. In the latest such incident which took place on June 24, 2015, a Dalit youth, V. Gokul Raj was murdered allegedly because he fell in love with a girl from the Gounder community. They were classmates in a private engineering college in Tiruchengode town in Namakkal district [6]. Sham Mohammad 18, a Muslim, and his friend Reena 16, a Hindu were found dead on the premises of a school in Samain village of Fatehabad district in Haryana on July 4, 2010. The triple murders in Wazirpur, near Delhi were equally horrific. On June 21, 2010 couple were killed in the name of honour. The next day another girl was found murdered. The reason for killing the couple was marrying out of caste and for killing the girl was that she aspired to be a model. A girl and a boy belonging to two different castes were electrocuted by the girl's parents in north-east Delhi. In Haryana, on June 21 two teenagers were found murdered in a village in Bhiwani district. Six days later a couple belonging to two different castes in Dheera village killed themselves by jumping in front of a train following resistance to their relationship. In April, 2010 in Bhainswal village in Sonapat a boy strangled his 16 year old sister for having a relationship with a boy of the same village. In October 2009, a Sonapat couple who married from the same gotra had to face the community's ire. The man was killed and his wife raped after being lured to a place in Delhi. The list does not end here, there are many unreported incidents which have been dumped.

### 3. The need for separate law

Universal Declaration of Human Rights, (UDHR, 1948) affirms the principle of the inadmissibility of discrimination and inequity and proclaims that all individuals are born free and equal in dignity and rights and freedom set forth therein, devoid of distinction of any kind including distinction based

on sex [7]. Every person is entitled to enjoy the "right to life, liberty and security of person" and also the "right to be free from torture or cruel, inhuman and or degrading treatment" [8]. Even the Constitution of India has ample provisions allowing an individual to exercise his/her choice independent of caste, religion or gender and protection from honour related crimes including honour killings [9]. But what is sad that nothing has been done to stop this barbaric act. No law has been made with regard to honour- killing, which is why it is increasing. So far the crimes of honour killing have been dealt with, under Section 300 of the Indian Penal code, i.e. for commission of murder with life sentence, death or fine, Section 307, i.e. attempt to murder, Section 120 A and B for being party to criminal conspiracy and Sections 107-116 for abetment of offences such as murder or culpable homicide. The Government brought a bill in Parliament in 2010 to curb the honour killings but still remains a bill. In June 2010, scrutinising the increasing number of honour killing, the Supreme Court of India issued notices to the Central Government and 8 State Governments - Haryana, Punjab, Bihar, U.P., Jharkand, H.P., Rajasthan and Madhya Pradesh seeking an action plan.

In May 2011, the Apex court, in *Bhagwan Dass v. State of Delhi* [10], deemed honour killings in the "rarest of rare" category of crimes that deserve the death penalty. Soon after, the Central government proposed that Section 300 of the Indian Penal Code be amended to include 'honour killings' within the definition of murder. But rejecting this proposal, the 242<sup>nd</sup> Law Commission Report recommended a bill entitled "The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011 which prohibited a person or any group of person from gathering, assembling or congregating at any time with the view or intention of condemning any marriage, not prohibited by Law and also sought to declare khap panchayats (katta panchayats in Tamil Nadu) unlawful. Tamil Nadu was not among the 22 States and Union Territories which supported the recommendation to bring a bill to prevent 'honour killings' [11].

### 4. Suggestions

1. There is a need to constitute a committee of women experts to go into the recent spurt in honour killings" in several parts of the country and suggest remedial measures.
2. The issue is why honour killings take place. It is a social evil and investigations have to be carried out and ways of tackling this menace have to be evolved at the earliest.
3. The media has to refrain from "glorifying" such heinous deeds and avoid using the term "honour" for them.
4. Proposed legislation to prevent such killings should be enacted as quickly as possible.
5. There is a need to prevent such killings in the name of honour and the victims need to be protected and rehabilitated and awareness against this social evil built up.
6. There should be punishment for those who provoke, encourage and support such negative trends.
7. It is equally important that the cases should be investigated properly and the judiciary should try the cases speedily.
8. The legislation should also include steps to sensitize

- policemen and protect the affected families.
9. The role of civil society in creating awareness on the issue is invaluable.
  10. Having women in higher position of legal authority and in empowering women with dissent to speak out on these issues has a tremendous impact on halting.
  11. The mentality of the people has to change by educating them that there is no honour in killing.

## 5. Conclusion

In the era of 21<sup>st</sup> century, where on one hand, man talks about living on Mars and on another hand he is not allowed to choose his life partner, seems contradictory. One person is killed just to keep the false “honour” of the family and the community. Honour killing is the most dishonoured act against the humanity. It should be condemned and prohibited by making proper law. There is a need to make people aware on the issue and educate them about the consequences of honour killing which destroy many families. This feudalistic thinking still thrives in rural India, ranging from khap panchayats in the north to caste-based gatherings of village elders in the south. In 2011, the Supreme Court wanted illegal khap panchayats that encourage ‘honour killings’ or other institutionalized atrocities to be stamped out from the society. A special legislation will certainly be a welcome effort as it will help in generating additional protection to the victims. Though the prevailing law punishes the act of homicide under IPC, but it does not directly punish the members gathering for such purpose. The stringent provisions of the proposed Bill coupled with those in the IPC would effectively combat honour killings and protect the hapless young couples and their families who are the victims of this social evil. Time has come to eradicate this social evil from the society by educating people that there is no honour in killing.

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