



**A SOCIO-LEGAL RESEARCH ON
HONOR KILLING IN INDIA:
PREVENTIVE MECHANISMS FOR
ITS ANNIHILATION**

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Abstract

Honor Killing also known as Homicide or Shame Killing, one of the growing issues faced by the current Indian society where tackling it has become a challenge of greater concern. India being a multicultural society the concept of Izzat (Honor) which is prevalent mostly in the culture of North India regulates the life of human beings in the country. Honor killing is worldwide violence which applies universally to all the religions, communities & genders. The exact number of people killed in the name of honor is unknown in India. There are certain causes for honor killing such as rumours upon a member of the family, which the other family members deem to think has lowered the family or community reputation, where such families or communities adopt honor killing as a way to preserve the honor of the family in the society besides the steady raise in honor killing cases, there is no appropriate mechanism for prevention & tackling of the issue. Prevention of a crime is a challenging component in the current society for the reduction of crime & guarantying criminal justice. There are various approaches, schemes & techniques existing for prevention of crime but they turned out to be less effective in terms of tackling the issue. This paper gives a quantitative output & mainly focuses on laying down the preventive approaches by focusing on certain methods & methodologies to reduce the chances for

commission of crime. This paper deals with honor killing at the regional level predominantly in India. It especially takes into consideration of northern states of India where the incidence of honor killing is mostly recorded. This paper explains how honor killing violates the rights of individuals. It mainly analyzes & puts forward the preventive mechanism for the eradication of the issue & also describes how the law aids for annihilation of such crimes from further occurrence in the society.

Keywords: Honor Killings, Human Rights, Women, Crime Prevention

Introduction

The current research papers on honor killing mostly deals with explaining the meaning of honor killing, conduct survey & signify the statistical data in regard to the number of cases that are reported in India & in western countries, facts, impact & consequences of honor killing in the society rather than finding a solution for the problem as to, what preventive measures should be taken in order to tackle the issue? Can the law be used as an instrument for the absolute elimination of such kinds of evil acts from society?

This paper will analyze the role of law in India against honor killing & makes an effort to provide the mechanisms for tackling the growing issue of honor killing in the current society.

Honor killing also referred as shame killing is an act of brutality & cruelty committed by the family or community as they believe that the acts done by the other family members are immoral or is deemed to bring dishonor to them. Both men & women are becoming the victims of such brutal acts in the name of



bringing honor to the family. In many of the cases, the men are likely to become the victims of honor killing in the hands of family members of the female with whom the male was presumed to have an inappropriate relationship be it engaging in premarital sex or having an extramarital affair. The reasons for causation of such acts differ from one community & religion to the other as different communities & religions have different code and standards for the honor. For example, in case of western countries inappropriate dressing of a woman is not deemed to bring the dishonor to the family whereas, in countries like India & Pakistan, unacceptable dress codes most likely appear to be one of the main grounds that trigger honor killing.

Objectives

The main output of this study is:

- To examine the India scenario predominantly in northern states.
- To put forth the preventive mechanism for the prevention of the crime.
- To identify the deep-rooted cause for the commission of such crimes.
- To know about the laws as a tool for the annihilation of such crimes.

Methodology

The methodology adopted for research & the collection of data is through secondary sources. The collection of data through the secondary source involves the collection of information from the persons who have already conducted the study in the respective field. This is a doctrinal type of research where secondary sources such as books, articles, journals, research papers, library materials, statutes, international conventions, online sources, & other relevant subject matters are taken into consideration. The

collection of information is done up to my knowledge & is concerned with the topic in question.

Literature review

- According to Dr. Vipin Kumar Singhal in his research paper on **Honor Killing in India: An Assessment**, has stated honor killing as a cultural crime prevailing in the society in which women are considered as bearers of the family honor. The murder of a family or a clan member is done by the other members of the family or clan due to reasons such as following unacceptable dress codes of the community or the family, opposing the arranged marriage & favoring towards marrying on their preferences, commission of certain sexual acts which is forbidden by the community or family, inter-caste and inter-religions marriages.
- According to Benjamin Hosseini in his research paper on **Study on Honour Killing as a Crime in India – Causes & Solutions**, has stated honour killing as an extrajudicial punishment given to a female member of the family for marriage & sexual offences. This paper has dealt with the legal provisions of the Constitution for tackling the crime & moreover it has also specified about international provisions that deal with honor killing. This paper has also specified about Khap Panchayats & measures to end the unlawful acts of panchayat members who play a major role in prevalence of honor killing till date in the country.
- According to Dr. Kavitha Dhull in her research paper **Honor Killing in India**, has stated honor killing as death being awarded to a female member of the family for marriage offences & has differentiated dowry death from honor killing. The paper has also dealt with the Constitutional & legal provisions of honor killing. The paper has



also explained the role of the judiciary in terms of tackling honor killing by elucidating certain landmark judgments.

- According to Preethi in her research paper **Honor Killing in India**, has stated honor killing as a dirty behaviour of the family members towards the own members of the family for the eradication of the shame & dishonor brought to the family. This paper has examined the Indian scenario of honor killing. This paper has put forth the effects of honor killing. It has comprehended the reasons that trigger honor killing as a heinous crime.

Meaning of Honor Killing

The word Honor Killing is self-explanatory in nature which means killing of a person in name of bringing dishonor to the family. In general terms Honour killing is an act where killing or slaughtering of the members of the family due to their involvement in the acts which the perpetrator believes is shameful or is against the norms of the society. Oxford dictionary defines Honour Killings as murdering a girl or woman who is a relative because she has done an act which has brought shame to the family. Human rights watch defines honor killing as an act of violence committed by a male member of the family against the female member of the same family as her acts are regarded to bring dishonor to the family.

In an article published in BBC, few of the reasons for honor killing were mentioned such as, being in a relationship that is not approved or accepted by the family or the community, refusal of the marriage arranged by the family, having an illegal affair after marriage, there are certain circumstances where rape victims have also been murdered by their family members because they

believe that it has brought disgrace upon the family. The origin of Honour killing was considered to be through customary practices where young girls and women were killed due to simple allegations made against them because the family members strongly believe that 'a life without honor is not worth living.'

Examination of Honor Killing in the Indian Scenario

India has a diverse culture where it collectively consists of distinct & unique norms, customs, traditions from various religions & communities. Indian cultures are mostly customary in nature where its origin can be traced back from time immemorial. Indian religions such as Hinduism, Islamism, Christianity, Jainism & Buddhism, etc regulate their way of living upon the concept called Dharma which signifies the behaviour of an individual & includes certain sets of rights & duties that regulate the conduct of an individual in the society. Honor killing also falls under the category of cultural crimes because the acts of the victims are considered to be immoral, unethical & in particular is against their culture, traditions, norms & dharma. In certain Indian origin religions such as Jainism, dharma is considered as moral transformation & purification of an individual. As dharma being wrongly interpreted by the perpetrators, they tend to murder the family members as a step for transformation and purification of acts which are deemed to be against dharma. The acts of honor killing in India are witnessed from a considerable length of time. In few of the communities in the country, the activity of honor killing is carried out as a practise for protection of the honor of the community & the family. In a country like India, most of the honor killing cases are not committed upon grave and sudden provocations but are pre-



planned acts committed by the dominant members of the family or community having a clear intent to commit the act. Apprehension of death and danger by way of threat and warning is the first step taken by the dominant members of the family to control the behaviour & activities of the other family members. In certain cases, young girls and women are also tortured before being killed by the family members of their origin. In India khap panchayats play a key role in the commission of such violent acts where panchayat members give orders for the murder of the target either to the members of the village or to the Kartha of the family. In India, the main ground that triggers honor killing is the caste system where if any member of the family feels that an act is likely to bring down the status or reputation of the family in the society, the members of the family are ready to go to any extent for protection of the honor and end up murdering their children & other family members rather than coming up with safeguard measures and remedies to the said problem. In India, honor killing evidently displays that in such families the culture and honor is given more importance than the lives of the family members.

The Concept of Izzat and Northern States of India

The concept of izzat (honor) is mostly prevailing in northern states of India. The concept of izzat is the key determinant for all the families belonging to different classes & communities which regulate the conduct of the individuals in northern states. The concept of izzat is viewed as a conception

that imposes limitations & restrictions upon the liberty & independence of women. Izzat is a universal concept where it is referred with different names in different parts of the world. The word izzat in itself includes not only the status and reputation of an individual himself but also maintaining reputable position of the family in the society. Punjab, Rajasthan, Haryana, Uttar Pradesh, and Bihar are few of the North Indian states where a huge number of cases in name of honor (izzat) have been reported. Among the Rajputs present in northern states of the country there is a culture followed where Rajputs kill the member of the family who is married to a person from another caste and later kill themselves to protect the izzat and righteousness of the Rajput lineage¹. In 2014 there was an article published in The Hindu newspaper which reported that there were 583 cases of honor killings was dealt by the district courts of New Delhi in the year 2013 alone. Punjab is considered as the most notorious state in terms of reporting honor killing cases where around 34 cases were reported in 3 years from 2008 to 2010. Haryana stands next to Punjab where vast numbers of honor killings cases are committed by the orders of khap panchayats.² The concept of izzat extends to such an extent where it does not only include holding up a respected & honourable position of the family in society but also results in their involvement in certain revenge taking activities upon other beings when their family's izzat has been violated. In North India, Khap panchayats play a key role where panchayat members believe that there is a moral duty upon them to protect the izzat of

¹ "Honor Killings in India", Daily Life in India. The Tribune, May 2, 2011 12Ibid

² Simon Denyer, The Power of Upper Caste Men, Indian village proud after double "honor killing" (20

Jan. 2020, 4:30 PM), Reuters May 16, 2008, <https://www.reuters.com/article/us-india-honourkilling/indian-village-proud-after-double-honor-killing->



the community & family & thus pass orders for honor killing. The idea of izzat concerning the social norm of reciprocity includes the behaviour of an individual in a favourable way for favourable treatments and acts in unfavourable ways for unfavourable treatments. The concept of izzat has played a significant role in social dynamics in North India and is still in existence. Dushmani & Badla are the two main words that are mostly heard in northern states of India perceived as taking of revenge for maintaining izzat. Dushmani, badla, and izzat are closely related because the anticipation of any contraventions in family's izzat or violation of izzat constitutes the base for enmity that is where the concept of dushmani, and badla comes into the picture. Dushmani, and badla results in the commission of certain severe offences like torture, sexual assault, and murder. Hence the norm & idea of izzat, dushmani, and badla revolves around the concept of honor killing. Quite contrast to these South Indian states of the country has witnessed honor killing cases in a reduced amount as compared to that of northern states.

Preventive Measures and protective remedies for combating the menace of Honor Killing

Both national legislations and international forums such as UNO³, WHO⁴, UNODC⁵ consider honor killing as an act which results in grave violation of human rights. Under the Istanbul convention [Council of Europe Convention on the preventing and combating violence against women and domestic violence], Article 42 deals with the prevention of honor crimes. This Article

imposes an obligation upon the state governments to enact certain legislations/statutes for the prevention of honor crimes. WHO has declared honor killing as a culturally accepted, the most brutal act against women and young girls. UNODC has addressed honor killing as one of the oldest forms of gender-related violence's. Besides having national and international provisions for prevention, honor killing is still prevalent in the society and the number of honor killing cases committed particularly against women and young girls have drastically increased in number. Honor killing is one such violence where both the individuals and the society want to put an end to it but as combating this issue is a complicated task there is constant failure towards the complete eradication of the crime from the country. There is a huge need for preventive mechanisms for further prevention of crime from occurring on a future date and protective remedies to the individuals who have become the victims of such gender-based violence.

1. Honor killing can be prevented by providing a clear definition of the word `honor killing` which removes the ambiguity and helps in knowing the acts that constitute the offence which in turn helps in punishing the offender and providing justice to the victim.
2. Enactment of special legislatures for prevention, control, and abetment of the offence is required but mere enactment of special legislations is not enough to put an end to such violence's. The Central & State governments have to take the responsibility for effective implementation of the statutes throughout the country.

³ United Nations Organization, 1945, New York.

⁴ World Health Organization, 1948, Geneva, Switzerland.

⁵ United Nations Office on Drugs and Crimes, 1997, Vienna, Austria



3. When a particular state doesn't have any regional or national legislation to tackle such issues, it should be made mandatory on part of that state to ratify any international conventions towards prevention of such gender-based violence and take adequate and necessary steps for effective implementation of such provisions in the country.
4. Special committees shall be set up at local, district and state levels. Committees set up should exclusively deal with honor killing complaints and cases. Proper coordination between the committees shall exist to help the victims attain the ends of justice.
5. Speedy disposal of the case should take place. Honor killing cases should be disposed off within a reasonable time frame. There is a reasonable apprehension that any form of delay would impose the threat from family members/khap panchayats upon the individuals seeking justice.
6. Dismantling khap panchayats and the abolishment of their legal existence. Khap panchayats have to be completely abolished and their legal status has to be taken away and should be declared as illegal throughout the country. Khap panchayat is one of the main root causes for honor killing where they do not take into account the individual rights and order for slaughtering individuals who are deemed to bring dishonor to the community.
7. Police protection has to be given to such individuals and couples for a reasonable period of time if they threatened of being killed or harassed by the family/khap members.
8. The adequate number of protective homes and NGOs has to be established as a protective remedy for the victims.
9. Efficiently functioning rehabilitation centers should be set up and help the victims or survivors to come out of the trauma, shock,

depression and cope up with the pain, stress, and suffering that they have faced.

10. The protective homes and NGOs which are already set up by State and Central Government should be properly and sufficiently funded.

Violation of Rights and Law as a tool for its annihilation

Constitution of India is the Supreme Law of the Land which sets out fundamental rights & duties along with DPSPs for its citizens. The fundamental rights guaranteed by part III of the constitution shall not be violated or infringed at any cost except subject to the discretion of the judiciary. Honor killing is such an act that results in the violation of the fundamental rights guaranteed to the individuals by the constitution. Fundamental rights which are violated due to honor killing are Article 14 [Equality before law], Article 15 clause (1) and clause (3) [State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them], Article 17 [Abolishment of untouchability], Article 19 [Freedom of speech and expression], Article 21 [Protection of life and personal liberty] and DPSP like Article 38 [State to secure a social order for the promotion of welfare of the people], Article 39 clause (e) [women not being abused], Article 39 clause (f) [Protection of youth against exploitation, moral & material abandonment]

Law acts as a weapon in the hands of victims of honor killing. There are certain national legislatures and international provisions that provide both preventive mechanisms and protective remedy against honor killing.

➤ Indian Penal Code, 1860



Honor killing comes under the category of heinous crimes that are committed against the human body under IPC. Honor killing falls under section 299 and 300 of IPC which deals with culpable homicide not amounting to murder and murder. Honor killing falls under these categories as there is an intention involved while doing the act to cause death or a bodily injury which is likely to cause the death of a person who has brought dishonor to the family. The transgressor can be punished under section 302 of IPC.

➤ Indian Majority Act, 1857

This act gives the citizen of India who is above 18 yrs the freedom of marriage, willing to marry a person of any caste & community & is not prohibited by law. It is clearly evident that honor killing is violation of this act as it restrains persons above the age of 18 yrs from marrying according to their whims and fancies and honor killing clearly prohibits inter-caste and inter-community marriages and in most of the cases, the family members against the will of the married couples have separated them even though they are of eligible age for marriage under the act.

➤ Special Marriage Act, 1954

Under this act, the citizens of India are at the liberty to marry any person of any race, caste, creed, colour, religion & nationality. This act encourages all forms of special marriages irrespective of their background. The long-standing practises of honor killing run counter to this act as any forms of special marriages if done or if there is a mere apprehension that the marriage shall take place then khap panchayat members/family members will take certain steps that result in either the death of the couple or they are

subjected to harassment, torcher, house arrest and in most of the cases it is seen that the women are forced to marry a person of the same caste against her will.

➤ Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

This act was enacted to prevent the atrocities that occur against Schedule Caste & Schedule Tribes. As honor killing is mostly all about inter-caste, inter-community & inter-religion relationships, and marriages, as SC/STs are considered as the backward classes of the society there is a huge number of incidents of honor killing are committed against them. In order to prevent such kind of violations towards SC/ST women and men, legislation such as Act of 1989 was brought up.

➤ Protection of Human Rights (Amendment) Act, 2006

The main objective of this act is to protect the human rights of individuals from being violated. Under this act, human rights are safeguarded from being infringed and in the event of infringement it also provides redressal mechanisms for the victims. Honor killing as specified earlier results in the violation of a large number of fundamental and human rights.

➤ Protection of Women from Domestic Violence Act, 2005

This act gives protection to women from the acts that constitute domestic violence. It protects women from all kinds of violence be it physical, verbal, emotional and sexual abuse/harassment from husband or his relatives. In honor killing as the women are subjected to harassment and abuse from family members, women are protected and



abusers are imprisoned and penalized under the provisions of this act.

- Convention on the Elimination of all Forms of Discrimination against Women, 1979 (CEDAW)

The provisions of this convention mainly strive towards the elimination of all forms of discrimination and violence that are committed against women. As India is a signatory to this convention, there is an obligation on part of the country to take certain preventive measures to put an end to the customary practises of honor killing which discriminates the women in making independent choices and decisions in concern of relationship and marriage.

- Universal Declaration of Human Rights, 1948 (UDHR)

Honor killing is considered as a crime violative of international human rights law. Under UDHR the human rights provisions against honor killing can be invoked. Honor killing comes under the purview of this convention as honor killing results in the violation of a bundle of human rights and specifically violates the rights of women. Under the international accountability, UDHR is one such convention which is violated by honor crimes. Article 1- 5 & 16 are such provisions from the convention that specifically oppose honor killing.

Recommendations

1. Special committee at local, district and national level to wholly entertain the cases on honor killing.
2. Special legislation which exclusively deals with honor killing containing strict penal provisions for the offenders should be passed

along with subsequent amendments shall be made in IPC and other related legislations.

3. The cases of honor killing shall be disposed within a reasonable time frame as prolongation will impose a threat upon the couples.
4. Dismantling the khap panchayats and its legal recognition in semi-urban and rural areas.
5. Advantageous and supportive police protection has to be given to the individuals when there is a reasonable apprehension that they may become the victims of honor crimes.
6. An adequate number of protective homes and rehabilitation centres has to be established by State and Central Governments and they should be sufficiently funded to operate effectively.
7. Counselling centers should be established to prevent the suicides of the victims who kill themselves when threatened.

Conclusion

Ruthless and Barbaric long-standing practises of honor killings are publicly discouraged by the society aboveboard but underhand they are secretly encouraged. Law and law enforcement agencies alone cannot eliminate such kinds of social evils and the change from Societal, Cultural, Political, and Economical level should be witnessed. Honor killing is prevalent in society for a long period of time and instead of the depletion of the problem, honor crimes are widely spreading throughout the country in recent times. An effort for the eradication of the problem is not only the responsibility of the government but the society should also have the accountability for prevention of such inhumane customary practises. No individual has the right to take away the life of a human being, no matter what the reason



is. The mere ground that the victim was born in a particular family or community will not give any right to other members of the family to kill the victim in the name of the family's honor. Killing in the name of honor for the family isn't an honor but a crime because there is no honor in killing.

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