



HONOUR KILLING: A NEGLECTED CRIME

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Evolution of Honour killing

Honour Killing also known as *Shame Killing* was practiced in the *Ancient Rome* where Senior male member of the family has the right to kill a female who was indulged in Pre-Marital or Extra-Marital sexual affair. It was believed that before marriage Father and Brother has to protect the virginity of the Female member and after marriage her Husband has sole right over her body. It was seen as violation of rules and beliefs of the community and religion and the murder was done in order to honour the dishonour.

In *Ottoman Empire*, Killing someone was considered as the symbol of power and Respect. The murderer used to walk around the whole city with some stain of victim's blood on his shirt in order to increase his honour without any regret or fear.

Shakespeare writings like *Romeo and Juliet*, the *Arthur and the King* was based on the notion of the Honour Killing which provide a clue that *Britain* and *American* societies also dealt with these kind of cases. Honour Killing was a product of social interaction between the members of the society which gave rise to harsh Patriarchal beliefs and rules.

Ane Nanta, Dutch Scholar of Turkish society, invented the term Honour Killing so as to provide difference between Blood feuds

and these type of killing in society. Honour is derived from Latin word *honos* which symbolise high self esteem and respect but its use in killing altered its meaning altogether. The societies with prevalent patriarchal beliefs consider honour in the fact that how much power does man exercise over women.

Honour Killing in India

Indian Society has practiced many harsh practices from time immemorial in the name of Religious preaching like Dowry death, Sati, Child Marriage etc and these all are started in Vedic period where caste system gained importance and Brahmans patriarchal beliefs become prevalent and Honour killing is no different. In the Ancient times, ¹the suppression of women correlated with the hierarchy of the caste. Higher the constraint on her, the higher the caste in the hierarchy.

Khap Pamchayat, a group of elderly members of a village or few village together, considered equivalents to courts and they believe that women should marry the person of his caste or upper caste with the consent of family and the girl should lose his virginity only to her husband after marriage and with the fear of losing control over women they use to give this punishment which ultimately lead to decreased sex ratio as girls population starts declining. Even if the girl family accepted their daughters Pre-marital sexual relationship they can't because if they did so they will be banned from their caste. They consider women only as a mere resource with no justified status and has to work according to community set standards.

¹Kaushambi Kaushal, No Honour in honour killing: Comparative Analysis of Indian Traditional Social Structure vis-à-vis Gender Violence. 5, ANTYAJAA:

Indian Journal of Women and Social Change, Page 55,59(2020). doi:10.1177/2455632719880870.



Definition by Human Rights Watch:

Honour Killings are acts of vengeance, usually death, committed by family members against female family members, who are held to have brought dishonour upon the family. Now, it also includes killing of male member due to his deviant behavior like homosexuality.

In the primitive society, women is considered as a dignified property and any step of her if result in family's disrespect the male member kill that female member which is considered as a way to revert back their respect and dignity. It looks *ironical* that society tags women as dignified property whose dignity is not in her hands but lies in his family's hand and also If she do something wrong the dignity of family decreases and what a great way these people had chosen in order to bring back their prestige.

Legal status of Honour Killing in India

This violates the Fundamental rights provided under Indian Constitution i.e. Article 19(Freedom of Speech and Expression) and Article 21(Right to life and personal liberty). People have basic rights of choosing their life partners and enjoying their life with them but these practices try to suppress people's choice by killing them. Unreasonable use of caste and religion as a justification of these action is in the violation of Article 15(Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth).

There is no separate law regarding criminalizing Honour Killing in India but it is dealt under Murder (section 302 of IPC) or Culpable Homicide (section 304 of IPC) but Honour killing are different from these as it is motivated by sole factor of restoring the

Honour and respect of the family but Murder and Homicide is instigated by various factors like monetary reasons, strategic benefits etc. Murder can be committed by strangers as well but Honour Killing was done by close relatives or Family members. Due to unrecognized provision of Honour Killing, many of the crimes go unreported or categorised as Murder by falsifying the data on record of Honour Killing. It is a form of Cold Blooded Murder which goes hand-in hand with Sati as they both as common force behind them i.e. Community Pressure. In 2014, NCRB started data collection of Honour killing which revealed that 297% number jump on rigorous data collection on this issue. Only State of Rajasthan strictly prohibit this through codified act i.e. The Rajasthan Prohibition of interference with freedom of matrimonial alliance in the name of honour and tradition bill, 2019.

In 2012, the Law Commission of India put forwards a Bill in its 242nd report. This Bill became a conservative and narrow approach to honour killings. The bill titled as "Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011" dealt primarily with the 'Unlawful Assemblies' called Khap panchayats. The recommendation of Law Commission is still pending. In March 2018, the Supreme Court provide preventive measures to resolve issue of honour crimes in India. The guidelines are mandated to be followed until a proper law is codified. The Supreme Court has framed guidelines but there is a need for proper and strict law without delay, as delay in justice leads to denial of justice.



Need for Separate Law

Honour killing cases were treated as an another murder case by the Police as well as Judge but no one sees the preceding factors which instigated this barbaric crime. Lawyers defense was based on the premises of 'Emotional Attack and Crime of Passion'.

The special law will provide an different approach of investigation, evidence, procedure of trial and Punishment criteria by looking at different perspective and mindset of people who commit these bizarre crimes. Also, the act should not be limited specifically to Honour killing but it should be generalize all Honour based violence including Honour killing. Codification of separate law will save younger generation from these brutality.

Determination of Causes by Case Analysis

Smt. Chandrapati vs. State of Haryana

Manoj and Babli belongs to same village, *Karora* in Haryana. They married with each other without family permission and they are of same Gotra. Community beliefs does not allow people of same gotra(Clan) to marry as they are considered as brother and sister. Babli's five family member murdered the couple on the order of Khap Panchayat.

Reasons:

False Prejudices: These beliefs are based on false notions, rationals and ideologies which is conceived in the name of religious or patriarchal mindset.

Division of Caste: These heinous crimes are committed in order to retain power and respect through the use of fear among lower class people.

Judgement

The four people i.e. cousins of Babli who murdered the couple has been awarded with Death Sentence by Supreme Court and compensation of 3 Lakh each for the both the victims should be given to Petitioner.²

Lata Singh vs. State of Haryana

In this case, the petitioner has married with a man of different caste and had a daughter out of their marriage. Her family was not in favor of this marriage so they stated threatening her family with warning calls related to murder and filled a wrong complain due to which the relatives of her husband had to spend some days in lockup.

Reasons:

Narrow Minded: The family member only wanted to follow a legacy from past without thinking about any other situation. If their family previously did not allow love marriage they will not them today also.

Psychological factor: The person learns his values from the atmosphere he born in. In the society where gender inequality prevails girls has to go through these trauma.

Judgement:

The supreme court held the marriage valid and said right to marry a person of her own choice with his own will is a fundamental right under Article 21 and provide the petitioner family with police protection. The court recognised the trauma which one has to suffer due to caste Honour killing.

The State of Maharashtra vs. Eknath Kisan Kumbharkar

Pramila and deepak kamble entered into marriage which was inter-caste and Pramila family was not in favor of this marriage. Pramila's father with two of his friends

² <https://indiankanoon.org/doc/60381696/>



murdered her when she was nine month pregnant because he thinks Pramila's marriage destroyed her reputation in Society.

Reasons:

Status Symbol: A person holds certain respect and dignity in a society which is very important for him at a level that he can do anything to prevent or restore it.

Mentality: People of certain communities are still unable to accept inter caste marriage as they think they hold prestige on the basis of their caste.

Judgement:

The honorable Supreme Court allowed death sentence to the accused.

State of U.P. vs. Sri Krishna Master

The defendant daughter Sontatra ran away and married with son of Jhabulal, Amar singh as her family opposed this marriage. One day defendant came to know that Amar singh was came to village and decided to kill him but somehow Jabhulal neighbor's wife Ramwati came to know about it and she saves Amar. The defendant want to punish his daughter but due to Ramwati they did not do it. They killed 6 members of Ramwati's family including her.

Reasons:

Women lower status in society: In patriarchal society, women life decision is made first by her father and then by her husband. She had no choice of making her decision and when she does it she has to suffer consequences in some or other way.

Judgement:

All three people involved in murder of Ramwati's family was awarded with Capital Punishment.

Vikas Yadav vs. State of U.P.

Bharti yadav, sister of vikas yadav and his father was a great and powerful politician. She was in a relationship with Nitesh Katara and his brother did not approve their relation. Vikas Yadav and Vishal Yadav with view of ending their relationship murdered Nitesh Katara and burn his body in order to hide evidence.

Reasons:

Male dominance: In a male dominated family, women are only limited to household work and are not allowed to make choices for their own. Every important decision is taken by male member and to retain their power they commit these crimes.

Motivational reason: The people in power used to commit crime and it never got highlighted due to fear and bribery. It boost the confidence of these people and they continue doing that without any guilt.

Judgement:

Supreme Court awarded 25 year rigorous imprisonment to both the convicts with the fine of Rs. 50 lakh each.

Observations based on Case Analysis:

1. All across the country, the reason of Honour Killing is Love marriage, Inter-caste Marriage or Intra-caste marriage when done without families will.

Based on the above case analysis, it is quiet clear about reason of this heinous crime and Some below stated facts and finding makes this observation more reliable::

- So-called honor killings remained a problem, especially in Punjab, Uttar Pradesh, and Haryana; they were usually attributable to the



victim's marrying against his or her family's wishes³.

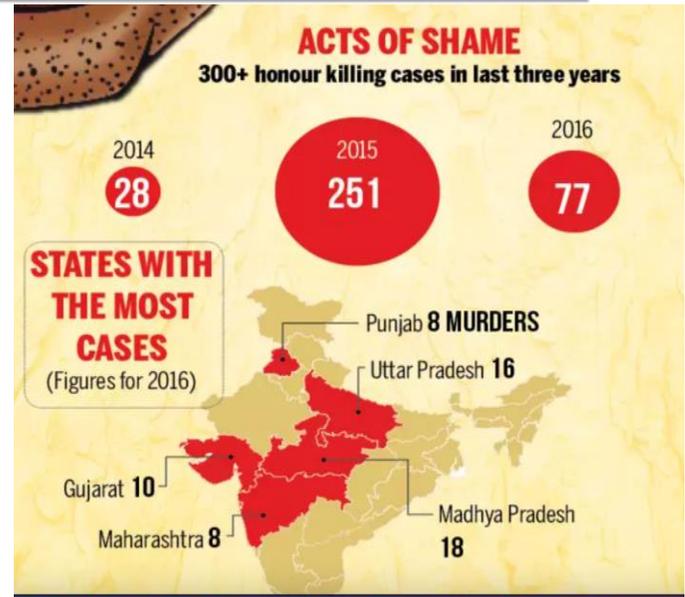
- According to UN Researchers, mostly honour killings thappens for two reasons:
 1. Falling in love with a man or woman of unacceptable gotra, caste, religion, or sexual orientation.
 2. Marriages for love as opposed to arranged by families, and 3. so-called "illicit" romantic affairs between family members.
- According to **Karnataka Medico Legal Society Report 2015**, Inter-caste or inter-religious marriages, opposition to Pre-marital and extramarital relationship between male and female, restriction of females to select the spouse of their own choice. Honour based killing can be caused even when a female is found indulged in verbal conversation with any male who is not relative; submissive to extra-marital sexual relationship, or willing to marry a man of her own choice.
- A study commissioned by NCW, which was conducted by NGO Shakti Vahini revealed that 72% of the 326 cases of honour crimes were in fact inter-caste marriages, while same gotra marriages were only 3 percent.

2. Mostly Honour killing was reported in Northern states of India.

- According to NCRB reports, "Most" honour-related crimes reportedly take place in Punjab, Haryana, Delhi, Western Uttar Pradesh and "other parts of Northern and Western India," other areas of India also register such incident.
- Uttar Pradesh has reported highest number of murders 4732, followed by Bihar 3178, Maharashtra 2509 and West Bengal 2096.⁴

³ The US Department of State's Country Reports on Human Rights Practices for 2019.

⁴ Anand Sagar, Highest number of honour killings in uttar pradesh – a critical review, Vol-2, International



(Source: Times of India)

The situation in these states is worst due to high priority given to culture and not to family members. In these states, concept of caste inequality prevails which cause complex socio- economic problems as upper class people only want their child to marry within the caste so that their status remain same after marriage also.

Inference:

Societal pressure i.e. society never tolerate some different actions and starts banning the family from its social atmosphere and with the fear shaming by the society they take these steps. Probably, rural areas are more prone with these types of crime because of community motivation and beliefs. They fell guilt only when they realise that they had been caught and can suffer consequences otherwise in reality when they are in their social strata they have no embarrassment as no one criticize them for their act rather they



fill proud that they have compensated the shame brought upon by the girl. In all the cases reported, most of them were disposed off as witnesses used to flip on the last time. Due to family pressure and fear the witness don't appear in court or if they appear their statement changes. The main eye witness even start lying making the case vague and plaintiff cannot able to proof beyond the reasonable doubt thus making the proceeding and finding of no use. The court provides punishment on the basis of severity of murder and number of murders. Some convicts used to murder both couples or family of couples so punishment varies from death sentence to Term imprisonment to life time imprisonment. The court also award the victims or family of victims with some compensation as well in order to manage their loss. Mostly women has to suffers this hell rarely it only fall on men and in some cases both the coupled got killed.. The family used to kill the girl and burn her body secretly. In some instances, it also came into view that the family forced the girl to write suicide letter and after killing they hang the body on tree or in house so that it looks like the victim has committed suicide and no one question them.

Suggestions: Based on the above information, it is the need to provide counseling to the witness and sometimes police protection should also be granted in order to improve justice mechanism. Instances in which case closes due to lack of evidence should be tackled by special research task force which should be provided with some extra power so that case can be resolved easy. Those villages where cases of honour killing is high should be closely monitored, regulated and provided with better governance.

Conclusion

There is no Honour, prestige or respect in killing someone. Mostly crime of honour killing is the result of *cultural transmission* i.e. Practices are transfer generation to generation and the beliefs that people of same gotra cannot marry each other is the transmitted one and the the punishment are also same to olden times. The society is covered with the veil of this deep rooted evil which cannot only be tackle by making laws but governance should work at the lower level to stop its consequences.

Honour killing is an heinous offence also covered under Homicide. The current situation not only demand punishment but also awareness. Punishment can only provide justice to reported cases but awareness can actually decrease the overall cases not only reported but unreported as well. Government can never be aware of what is happening inside people house but it can aware and educate people about what should ought to happen in a Family.

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