

## **HONOR KILLING – A SOCIAL EVIL IN MODERN INDIAN SOCIETY**

Aakansha Katiyar and Nidhi Sri

### ***Abstract***

*Honor killing is an extreme and brutal abuse of human rights still prevailing in and around the society. The society in which we live is much modernized in every possible way but the dreaded phenomenon of honor killing still persists in the society. Honor killing is nothing but the killing of people in the name of family pride. Victims are mostly young females murdered by their male kin. It is usually committed against women's autonomy in all matters but especially in matters of sexuality and marriage. Though the cases related to honor killing is practiced in many parts of India as "customary killing" but it is mainly prevalent in states of Punjab, Rajasthan, Haryana, UP and Bihar.*

*Such killing not only amounts to culpable homicide but also to murder, so to protect the individuals from such grave crime the constitution of India has provided plenty of provisions. And even in a global perspective there exists numerous international conventions like CEDAW, 1979 [Conventions on the Eliminations of All Forms Of Discrimination Against Women], CESC, 1976 [Conventions On Economic Social And Cultural Rights], etc.*

*Although there remains an ambiguity regarding honor killing regarding the geographical area, however there exist a wide geographical spread from rural to urban areas. The aim of this paper is to focus on the misconceptions and to clear the blurred pictures of honor killing in the modern society. It intends to show the evolution of the meaning of honor killing in 21<sup>st</sup> century and the failure on the part of the formal governance to address such a social evil.*

***Keywords:*** Honor Killing, Constitution of India, CEDAW, CESC, Ambiguity, Modern Society.

---

<sup>1</sup>Student, B.A.LL.B 1<sup>st</sup> Year, Lloyd Law College, Knowledge Park 2, Greater Noida, aakansha.katiyar@lloydawcollege.edu.in

<sup>2</sup>Student, B.A.LL.B 1st Year, Lloyd Law College, Knowledge Park 2, Greater Noida, nidhi1984sri@gmail.com

## **Introduction**

Honour killing is a crime done in context of culture or a cultural tradition widespread amidst various backward Societies which believes that women are bearer of family honour. Indian culture is firmly embedded in the thoughts and actions of these backward societies due to which many young people are put to death every year, resulting in honour killing. These Honour killings are done due to the deep seated backward thinking in the traditions of these societies. The Indian culture perceives women as objects and commodities and not as a human who has her right to dignity. The most number of honour killing cases can be seen in countries like India, where women are considered as the object of families pride, honour and reputation.

Honour Killing can be said as a culture crime in form of death which is awarded to the women by their families for marrying against the will of the family, for refusing a marriage arranged by their family, having premarital relationship or extra marital affairs and for marrying within the same *Gotra* or out of one's own caste or religion. Honour Killing is a clear invasion of women's autonomy.

Matthew A. Goldstein, J.D. (Arizona), has noted that honour killings were encouraged in ancient Rome, where male family members who did not take action against the female adulterers in their families were "actively prosecuted".<sup>1</sup>

## **History of Social Evil**

The origin of Honour Killings and the control over women can be seen throughout the history and in the cultures and traditions of many regions around the world.

The Roman law of *pater familia* gave the legal privilege and authority to the men over his dependents including wife and children. Under these laws, the lives of the wives and children were under the direct control of the men in their families. The Ancient Roman Law has also given grounds for honour killings by stating that women who were found guilty of adultery or extra marital affair could be killed by their husbands.

During the Qing dynasty in China, fathers and the husbands had the complete authority to kill their daughters and wives if they have brought dishonor to the family in any way.

---

<sup>1</sup>Matthew A. Goldstein (September 2002). "[The biological roots of heat-of-passion crimes and honor killings](#)" (PDF). *Politics and the Life Sciences*. p. 29. Archived from the [original](#) (PDF) on 15 September 2012. Retrieved 21 July 2012.V.

Among the Amerindian Aztecs and Incas, adultery was punishable by death. During John Calvin's rule of Geneva, women found guilty of adultery were punished by being drowned in the Rhone River.<sup>2</sup>

Honour Killings have a long tradition in Mediterranean Europe. According to the Honour Related Violence- European Resource Book and Good Practice (page234): "Honour in the Mediterranean world is a code of conduct,, a way of life and an ideal of the social order, which is defines the lives, the customs and the values of many of the peoples in the Mediterranean moral"

## **Evolution of Social Evil**

There are various reasons why the male members of the families are ready to put their female members of the family to death in order to preserve the honour of the family. Dishonour can be of different types to different families. The most obvious and common reason for honour killing to be practised in India on a regular basis is due to the rigidity of the caste system in India and also due to the thinking and mentality of the people in rural areas which they refuse to change.

The rigidity in caste system is such that engaging in love affair with the partner of different caste or lower caste brings dishonour to the families. Honour killing in India is also triggered when a girl refuses to enter into a marriage arranged by the family or wanting to marry the person of her choice. Refusing an already fixed arrange marriage brings shame to the family.

Marrying a person of same *Gotra* is still not accepted by the families and this mentality has yet not changed in the Indian society. Any woman found to be engaged in pre-marital or extra marital relationship outside her marriage is subjected to honour killing by their fathers and husbands. Dress codes unacceptable to the family/community; engaging in sexual acts, including with those of same sex, behaving/dressing in an unacceptable manner i.e. men behaving/dressing in feminine manner; are often regarded as dishonour.

In our country, society is mainly patriarchal. Men are always expected to lay down certain norms and traditions to protect family and male honour from shame. The women are always expected to act in a descent and honourable manner. A patriarchal society's only motive is control a woman's sexuality, woman's choice of partner and even the reproductive choices of a woman. A patriarchal society's only aim is to rule over a woman and suppress her in all aspects. All these rules, regulations and limitations give legitimacy to all forms of violence against her.

---

<sup>2</sup><https://medinstgenderstudies.org/wp-content/uploads/hrvresourcebook.pdf>.

In India there is no specific law which deals with this heinous crime of honour killings and provides with the punishments regarding the same. Honour killings acquire its sanctions from the society itself. Each and every religion in India criticizes Honour Killings but all the culture and tradition of various societies pictures it as one of the important part of the religion. Therefore we can say that honour killing derives its support from the people of India through religion.

Honour Killing is homicide and murder. Both homicide and murder are serious crimes under the Indian Penal Code. Section 299 of IPC deals with culpable homicide whereas section 300 of IPC deals with culpable homicide amounting to murder Under Article 14 of Indian Constitution states Equality before law. Article 14 prevents discrimination and provides equality to all. Every person, irrespective of his position or gender is subject to the jurisdiction of the ordinary courts. The right to equality is considered as one of the basic features of the constitution. But, Honour Killing is something which goes against this constitutional right provided by the constitution itself to protect the citizens.

Honour Killings are mainly towards women which is clearly gender inequality. This is where Article 15 of the Indian Constitution is also violated. Article 15(1) prohibits the state from discriminating against citizens on the grounds only of religion, race, sex, caste, and place of birth or any of them. The rights guaranteed in clause (1) under article 15 is bestowed on a citizen as an individual and is available to him/her when he/she is subjected to discrimination in regards to rights, privileges and immunities relating to him/her as a citizen.

After taking note of rise in number of honour killings in the past recent years, the Government of India has proposed to come out with some amendments in the Indian Penal Code so as to prepare a distinctive law to deal with the social evil in form of honour killings.

In the present scenario, the government wants to bring amendments before the parliament and therefore, has consulted the states to suggest changes in the law to deal with this heinous crime of honour killing. The courts through their judgements had been saying it again and again that killing anybody even in the name of "Honour" is a clear violation of the constitution of India and anybody who goes against the constitution of India will be punished. This we can perceive from following mentioned cases:

In March 2010, in a landmark case, the Karnal District Court ordered Capital Punishment for the five accused in an 'honour killing' case. The Khap Panchayat head who ordered the killing of the Victim Manoj & Babli was also sentenced to life imprisonment. Manoj of age 23 years and Babli of age 19 years, ran away to marry in June 2007. Their Mutilated bodied were found near the irrigation canal a week after they eloped. In her verdict, Justice Vani Gopal Sharma stated, ***"This court has gone through sleepless nights and tried to put itself in the shoes of the***

*offenders. Khap Panchayats have functioned contrary to the constitution ridiculed it and have become a law unto themselves*". This case was first of its kind where the court judgement convicted the Khap Panchayats and the awarded capital punishment in an honour killing case.<sup>3</sup>

In August 2010, the Honourable Supreme Court of India awarded life sentence to three convicts for killing members of a family in the case of *State of U.P. v. Krishna Master &ors*. Six people of a family were killed in a case of 'honour killing' in a village in Uttar Pradesh in 1991. A Bench of Justices H.S. Bedi and J.M. Panchal turned the order of release passed by the Allahabad High Court after the trial court handed them the death sentence. The Bench said, **"There is no manner of doubt that killing six persons and wiping out almost the whole family on the flimsy ground of saving the honour of the family would fall within the rarest of the rare cases and, therefore, the trial court was perfectly justified in imposing the capital punishment on the respondents."**<sup>4</sup>

A Bench of Supreme Court of India headed By Justice MarkandeyKatju in the case of *Lata Singh Vs. State of Uttar Pradesh and others* said, **"Honour Killings are nothing but barbaric cold blooded murder and no honour is involved in such killings."**<sup>5</sup> A notice was issued in the year 2010 by the Supreme Court of India to the Central Government and nine states due to rise in numbers of "Honour Killing" cases across the country on the Public Interest Litigation filed by Shakti Vihani.<sup>6</sup>

The above cases clearly shows us that there is no specific law on 'honour killing' and therefore the government wished to bring certain amendments regarding the same. We can clearly see that there is a lack of specific law on 'honour killing'. In the judgements of the cases are usually presume that where there is 'rule of law' law does not rescue anybody to kill anyone in the name of honour of his family or clan. The amendments which were proposed were not merely related to the amendments in the sec 300 and sec 354 of the IPC but also related to Evidence Act, 1872 and Special Marriage Act, 1954. In the first place, the Government proposed addition of a "fifth clause" to sec 300 under the Indian Penal Code. The fifth clause which was introduced said "If it

---

<sup>3</sup> See, <<http://ibnlive.in.com/news/5-get-death-penalty-in-honour-killing-case/112360-3.html?from=tn>> as accessed on 7<sup>th</sup> December, 2010.

See also <[http://news.bbc.co.uk/2/hi/south\\_aisa/8595168.stm](http://news.bbc.co.uk/2/hi/south_aisa/8595168.stm)> as accessed on 7<sup>th</sup> December, 2010.

<sup>4</sup> See, CRIMINAL APPEAL NO. 1180 OF 2004, a <<http://judis.nic.in/supremecourt/helddis3.aspx>> as accessed on 6<sup>th</sup>, December, 2010.

<sup>5</sup> See, 'sc's conflicting judgement on honour at <<https://indialawyers.wordpress.com/2010/07/03/honour-killings-and-the-need-for-new-legislation/>> as accessed on 8<sup>th</sup> December, 2010.

<sup>6</sup> See, 'Honour killings and the need for new legislations' at <<https://indialawyers.wordpress.com/2010/07/03/honour-killings-and-the-need-for-new-legislation/>>

is done by any person or persons acting in concert with, or at the behest of, a member of the family or a member of a body or group of the case or clan or community or caste panchayat (by whatever name called) in the belief that the victim has brought dishonour or perceived to have brought dishonour upon the family or caste or clan or community or caste panchayats”.

The explanation that was given for the clause says that “dishonour” and “perceived to have brought dishonour” will include “acts of any person adopting a dress code which is unacceptable to his or her family or caste or clan or community or caste panchayat”.

In the second place, the government has proposed to amend Sec 105 of the Indian Evidence Act, 1872 which will bring the burden on Khap Panchayats to prove their innocence in the cases related to the honour crimes. And khap panchayats or any other group which orders the killing or any harm to anybody and the people who were involved in actually committing the offence will be “jointly” hold liable for the crime.

The third amendment is done in the Special Marriage Act, 1954. It was discussed that it should do away with 30 day notice period under Special Marriage Act, 1954 for inter caste or inter religion marriages as required under the sec 5 of the act mentioned above.

In a nut shell all the changes proposed had aimed at placing the burden of proving that the Khap Panchayat members are innocent and this includes not only the charges of murder but also acting as an abettor, or having provoked any kind of humiliation, including or Stripping, social boycott or any other kind of punishments.

If all the amendments are turned into laws, it would hold all the khap panchayat members to be associated with all the killings, liable. But unfortunately, such crimes and such criminals have been cultivating under political parties which are interested only in the vote bank of these rural areas and the support of the Khap Panchayat.

There are many misconceptions regarding the practice of honour killing. The very first misconception of honour killing is that this practice is limited to rural areas. It also sometimes gives an impression that these honour crimes are a product of the custom and tradition specific to certain communities or beliefs.

The truth behind honour killing is that it is spread over a large geographical area. We just cannot isolate honour killing to rural areas only. But, most of these instances are seen to be taken place in rural areas. It is also recently noticed that metropolitan cities like Delhi and Mumbai are not free from such honour crimes. Recently in Delhi, a father killed his daughter and his son in law due their marriage in the same *Gotra*. It can now be clearly seen that honour killing is not only limited to rural areas but is now prevalent in urban areas too. In India where honour killing is very common among the masses, the wives and

the daughters are treated as mere servants and are expected to serve their husbands and fathers and sometimes even to their own sons.

The geography of honour killing does not limit itself to Indian rural and urban areas but it is prevalent in the west as well.

In Britain there are cases where we can see that the blacks and the minority ethnic group women being subjected to such brutal honour crime.

There had been many cases of honour killing in the world scenario. Like India, there are many countries trying to deal with the issue of "Honour Killing". In U.S.A., in the year 1991, a judge in Texas awarded a man, four months of imprisonment for murdering his wife and hurting her lover in front of his own 10 year old child. In Istanbul of Turkey, the second highest Criminal Court tried an 'honour killing' case where it sentenced a convict to life imprisonment for killing his wife by throttling her neck.

Honour Killing clearly violates the right to life of the victim, a right which is the most fundamental of all the rights available to an individual which is mentioned in all the major human rights instruments and not merely in the Universal Declaration of Human Rights (UDHR) of 1948. Honour Killing can be said that is gender discrimination against women and it is regarded as less serious offence when it comes to killing of women and killing of a man. The honour of the family is supposed to be in hands of the female members of the family.

The world at large is now trying to fight such evil and heinous crime against women through conventions and various other projects. Some of them are listed below:

### **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

It was considered to be a major milestone when the Convention on the elimination of All Forms of Discrimination against Women (CEDAW) was approved in 1979 by the human right legislation. CEDAW is often considered as the "International bill of rights of women". It was mentioned in CEDAW that the state parties should not only prevent from committing any act of gender discrimination against women but also keep a check on other public and private entities to prevent any act of discrimination against women. These provisions will make the state parties liable for any failure in checking the actions of the private entities and ensuring no discrimination in any form. According to CEDAW violence against women, be it in public or private spheres amounts to violation of women's rights. Violence against women results in

prescribing the incapability of females and superiority of one sex over the other and also in stereotypical roles of men and women.

We have already been a witness them to the effects of honour killing to such an extent that we can clearly understand its affects our society at large by the lives of boys and girls, but the legislature still fails to make any appropriate laws against honour killing till date. It is believed that in a country where there is rule of law, the customary laws are not given much value over the codified laws in the matters of grave and heinous crimes. No culture has a right to kill any individual merely in the name of morality and honour. The freedom of belief does not give the freedom to kill. Every individual has a right to life with dignity and equality.

## **Conclusion**

The first step we need to take is to change the mentality of the people. By changing the mentality of the people we mean that the parents should understand their children and accept their wishes. Parents should accept the wishes of their children to let them marry the person of their own choice. After all their children have to spend their life with their partners. And if the partner is not capable and fails to satisfy their partner then it will result in disastrous married life which can even lead to suicide. The forceful marriage done by the parents will result in parents losing their own children.

The second step which should be taken is that we need to have stricter laws to deal with such gruesome crime against women and killing of both boys and girls. Hence, active laws are the only antidote to such dishonourable practices just in the name of honour.

## **Webliography:**

- <https://medinstgenderstudies.org/wp-content/uploads/hrvresourcebook.pdf>.
- <http://ibnlive.in.com/news/5-get-death-penalty-in-honour-killing-case/112360-3.html?from=tn>
- [http://news.bbc.co.uk/2/hi/south\\_aisa/8595168.stm](http://news.bbc.co.uk/2/hi/south_aisa/8595168.stm)
- <http://judis.nic.in/supremecourt/helddis3.aspx>
- <https://indialawyers.wordpress.com/2010/07/03/honour-killings-and-the-need-for-new-legislation/>
- <https://indialawyers.wordpress.com/2010/07/03/honour-killings-and-the-need-for-new-legislation/>