

HONOR HONOUR KILLING AND CRIMINAL JUSTICE SYSTEM IN INDIA

Bushra Ahmad and Priya Singh

Abstract

Honor killing is a cultural crime or cultural tradition prevalent in the society which perceives women as the honour of the family. Many young people are killed in every year due to this so called "HONOUR KILLING". It is based on belief and mind set of Indian people who consider women as an object and commodities and not as human being endowed of right and dignity.

This paper is an attempt to tackle the issue of cultural crime which is increasing day by day. We are living in 21st century and in the world's largest democratic country and still such families murder their kin and kiths for saving their honour. Our constitution give right to every person to do what they likes, and does not injure the equal rights of other. There is not a complete separation of law and morality sometimes the rule of law also be over ridden in order to protect the morality or honour of the peoples.

In every year around the world on increasing number of women are killed in the name of honour. But the question is that is there is any honour is killing.

Usually male, relative commit act of violence against their wives, sisters' daughter and mother to protect their family honour. Due to discrimination social belief and extremist view of gender officials often ignore the torture and brutality against women. As a result many of the honour killing cases are unreported.

Key Words: *Honour killing, family, constitution, law.*

B.A.LL.B. 2nd Year Faculty of Juridical Sciences Rama University^{1 and 2}
bushraahmad003@gmail.com¹
priyuchauhan0117@gmail.com²

Introduction

An honour killing is the homicide of a member of a family by another member, due to they have the belief that the victim violated the principles of a community or a religion, the victim has brought the shame or dishonor upon the family.

In patriarchal societies, the activities of girls and women are monitored by the male relatives as the responsibility of women's virginity and sexual purity are maintained by father and brothers and then her husband. Many victims are killed usually on allegation to have engage in sexual immoral actions or having sex outside of marriage and also if they are the victims of rape or sexual assault. The act of killing women are justified on the basis that the offence has brought dishonor and shame to the family. (Amnesty international 1999).

Historical Aspect

In India from the ancient time, the honour killing has become a practice. The act of killing a person happens when he / she does not accept for the arrange marriage of marrying a person of different cast / religion or a person disappearance by particular family. One of the evidence regarding custom of Honor killing followed as law in Indian society will be evident from "Khap Panchayat". Khap Panchayat is a group of villages united by caste and geography; its existence could be evident as old as in 14th Century. It is being started by the upper caste group to make their status stagnant in the society. Khap Panchayat is formed to govern the Khap or the same Gotra (clan) by the peoples of the same village or nearby village This brutal and unlawful activity was practiced in many of the states of India like as, the state of Haryana, Punjab, Rajasthan and Uttar Pradesh and many more. The illiterate and narrow minded thinking of the people led to this shameful act of honour killing.

Causes:-

The main causes of honour killing occurs due to various factors interact with each other;

- Dressing: - If women or girls dressed up in such a way which are deemed inappropriate or unacceptable to the family or community.
- Refused to enter in a arrange marriage: - If girls refused to enter in a arranged marriage or desire to marry by her own choice, it is often a cause of honour killing.

- Victims of rape: - In across the world the rape victims face several violence by their family and relatives they thing that, this is dishonor and disgrace of their family.
- Seeking for divorce:- A women seeking divorce without the consent of her husband, whole family against her and trigger her for honour killing even her own parents also oppose her, often knowing her marital problems they think that the women is exposing her problem in public and brought dishonor and disgrace to their family.
- Homosexuality: - homosexuality means same relations and sexual acts which is often done by both male and female but the women and girls were killed at higher rate than the men.
- Heterosexual act: - engaging in heterosexual act by a girl, or often by women outside the marriage, even if there are non-sexual relationships perceived as disapprove by their family and it is also become a cause of honour killing.

Effects

Honour killing has been practised since ages from the time of raja and maharaja this art is prevail in the society and continued as a custom, in Indian society.

Honour killing is still follows as law in Indian society in the form of “knap panchayat”. It is a group of villages united by castes and geography and it is an existing from the old 14 century.

As the society developing and the peoples are also getting educated, this evil of honour killing is also decreased but not totally eradicated still thousand of peoples prey these evil and many women were killed in the name of honour killing

Present scenario

In present condition the honour killing in India is that there are lots of cases come on this evil “Honour Killing”.

1-Man kills sister for honour, Kadapa, Andhra Pradesh 20 may 2012.

In this case, a 29 year old lady from Kadapa district of Andhra Pradesh, who was killed by her brother as she wanted to a boy of other caste, she was brutally murdered and her body placed in a gunny bag and buried near river.

2-Teanaged girl was killed for honour allegedly her father and cousin, Uttar Pradesh.

In this case a 16 year old girl was killed by her father and cousin in Baghpat district as she had a relationship with a boy so her father and cousin killed her.

In present time this honour and brutal crime not only happens with girls but the boys also face such type of evil (honour killing).

3-Honour causing youth's death, Karnal, Haryana, A 20 year old boy was killed in Karnal, Haryana near Roar River, who was the son of a farmer. It was suspected that he had an affair and was killed by the girl's father.

Cases: The Manoj Babli honour killing case

It was the honour killing newlyweds Manoj Banwala and Babli in June 2007 and the subsequent court case which historically convicted defendants for an honour killing. The accused in the murder included relatives of Babli (grandfather Gangaraj, who is said to have been a Khap leader, brother, maternal and paternal uncles and two cousins). Relatives of Manoj, especially his mother, defended the relationship.

The Khap panchayat's ruling was based on the assumption that Manoj and Babli belonged to the Banwala gotra or jat community, and were therefore considered to be siblings despite not being directly related and any union between them would be invalid and incestuous.

Law / provisions made in India for the protection of victims.

Honour killing are the cases of homicide and murder which is a capital crime. The constitution of India has great provision which allow the individual to exercise his/her choice of caste, religion and gender and protection from honour-related crimes or honour crime. Indian penal code (IPC) section 299 and 301 of IPC deal with culpable homicide not murder while section 300 deals with murder.

Honour killing is a homicide and murder both because the act are done intentionally to murder the victim who brought dishonour or shame to the family. The perpetrators can be punished as per "section 302" of IPC. Honour killing violate "Article 14,15(1)and(3),17,18,19and21 of the constitution of India.

A bill was passed in the Rajasthan assembly to curb incident of honour killing in the state with the provision of punishment of death penalty or life imprisonment for murdering people in the name of family honour.

Problems face by victims on international states

Pakistan consists of four provinces known as Sindh, Balochistan, Punjab and North West Frontier Province (NWFP). The menace known as

honour killing frequently all four provinces of Pakistan. In Sindh, the practise of honour killing is known as “Karo Kari”, meaning ‘black female’ and ‘black male’. In Balochistan it is known Siahkal. The majority of the honour killings take place in rural areas, however, there have been some reported incidents of honour killings in urban cities of Pakistan such as Karachi and Lahore.

A young Pakistani woman refused to marry the man her family chose for her, a man who was also her cousin. Instead, she eloped with a man she chose for herself. She was three months pregnant when a group of 20 people beat her to death with bricks — the mob included her father, brothers, and the cousin she jilted. International human rights law recognizes “honour crimes” as form violence against women, therefore it is a direct violation women’s right to life and security; freedom from torture and cruel, inhuman, and degrading treatment; and the right to equality before the law and equal protection of the law.

A tribal council ordered the murder of a Pakistani 15 year-old-girl because she helped her neighbor elope — she was drugged, strangled, and then burned to death.

Another 15-year-old girl died from severe burns on her face and chest after her own parents attacked her with acid. She had engaged in “illicit relations” with a boy and “wasn't coming to her senses so [her] parents threw acid on her to save their honor,” CNN was told.

International laws for the protection of victims

The Convention also requires States to disqualify “honor” as a legal defense for acts of violence against women. The UN Declaration on the Elimination of Violence against Women echoes these obligations and states that, “States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination” (Article 4).

International human rights law is enforced through the state and by way of treaties. A state becoming the party to a international treaty will be bound by the treaty and it is the state’s responsibility and duty to protect the rights of the citizens. Pakistan is a party to a “Convention on the Elimination of All Forms of Discrimination against Women”, the treaty has been ratified and as a result of that, the Pakistani government amended the Criminal Act 2004 which makes “Honour killing” a punishable offence.

Apart from making the amendment to Criminal Act 2004, Pakistan has taken several other initiatives to curb honour killings and domestic violence against women:

Conclusion

Honor killing being one of the worst social evil prevalent in the society which took many innocent life of girls and boys since ages as being the matter of honor of the family or of the society. It has been followed by the members of the society and as a matter of Izzat or pride, while doing this the members“ thinks to be cleaning the sins being committed by other member by going against the social norms. India there are no separate legislation in relation to crime of honor killing, Indian courts applies the sections of Indian penal code³⁵ in trying cases of honor killing which is in-turn found to be inadequate. There has been many suggestions relation to introduction of new separate laws in towards honor killing but legislature till date could not make any law or nay separate legislation in this regard. The reason of non introduction of new laws or legislation may be due to sentimental aspect of the members of the society, as honor killing is being practiced since ages and the legislators maybe thinking that introduction of new law against those social customs may create tension among the society. To reduce this heinous or brutal crime the legislation should be introduce some new acts or laws where a capital punishment should to be given to the offender as for committing such heinous act. Strict law or acts discourage the people from committing such crimes.