

Honor Killing in India

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ABSTRACT

Honor killings involve violence and fear as a tool of maintaining control. Honor killings are argued to have their origins among nomadic peoples and herdsmen: such populations carry all their valuables with them and risk having them stolen, and they do not have proper recourse to law. As a result, inspiring fear, using aggression, and cultivating a reputation for violent revenge in order to protect property is preferable to other behaviors. In societies where there is a weak rule of law, people must build fierce reputations. In many cultures where honor is of central value, men are sources, or active generators/agents of that honor, while the only effect that women can have on honor is to destroy it. Once the family's or clan's honor is considered to have been destroyed by a woman, there is a need for immediate revenge to restore it, in order for the family to avoid losing face in the community. My this research paper is focused on few cases of Honor Killing in India .It also deals with the special triggers of honor killing .Then the judgment of Supreme Court on honor killing is discussed and at last It also states the preventive steps to combat honor crimes in India.

1. Introduction

Honor killings are acts of vengeance, usually death, committed by male family members against female family members, who are held to have brought dishonour upon the family. A woman can be targeted by 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 way that "dishonours" her family is sufficient to trigger an attack on her life— Although rare, men can also be the victims of honor killings by members of the family of a woman with whom they are perceived to have an inappropriate relationship.

The distinctive nature of honor killings is the collective nature of the crime – many members of an extended family plan the act together, sometimes through a formal "family council". Another significant feature is the connection of honor killings to the control of individual's behavior, in particular in regard to sexuality/marriage, by the family as a collective. Another key aspect is the importance of the reputation of the family in the community, and the stigma associated with losing social status, particularly in tight-knit communities—Another characteristic of honor killings is that the perpetrators often do not face negative stigma within their communities, because their behavior is seen as justified. Methods of killing include stoning, stabbing, beating, burning, beheading, hanging, throat slashing, lethal acid attacks, shooting and strangulation. The murders are sometimes performed in public to warn the other individuals within the community of possible consequences of engaging in what is seen as illicit behavior. Often, minor girls and boys are selected by the family to act as the killers, so that the killer may benefit from the most favorable legal outcome. Boys and sometimes women in the family are often asked to closely control and monitor the behavior of their sisters or other females in the family, to ensure that the females do not do anything to tarnish the 'honor' and 'reputation' of the family. The boys are often asked to carry out the murder, and if they

refuse, they may face serious repercussions from the family and community for failing to perform their "duty".

2. Special Triggers of Honor Killings

- **REFUSAL OF AN ARRANGED MARRIARE:** Refusal of an arranged marriage is often a cause of an honor killing. The family which has prearranged the marriage risks disgrace if the marriage does not proceed. And the latter is indulged in a relationship with other individual without prior knowledge of the family members.
- **SEEKING DIVORCE:** A woman attempting to obtain a divorce or separation without the consent of the husband/extended family can also be a trigger for honor killings. In cultures where marriages are arranged and goods are often exchanged between families, a woman's desire to seek a divorce is often viewed as an insult to the men who negotiated the deal. By making their marital problems known outside the family, the women are seen as exposing the family to public dishonor.
- **ALLEGATIONS AND RUMORS:** In certain cultures, an allegation against a woman can be enough to tarnish her family's reputation, and to trigger an honor killing: the family's fear of being ostracized by the community is enormous.
- **VICTIMS OF RAPE:** In many cultures, victims of rape face severe violence, including honor killings, from their families and relatives. In many parts of the world, women who have been raped are considered to have brought 'dishonor' or 'disgrace' to their families. This is especially the case if the victim becomes pregnant. Central to the code of honor, in many societies, is a woman's virginity, which must be preserved until marriage. Suzanne Ruggi writes, "A woman's virginity is the property of the men around her, first her father,

later a gift for her husband; a virtual dowry as she graduates to marriage."

- HOMOSEXUALITY:** There is evidence that homosexuality can also be perceived as grounds for honor killing by relatives. It is not only same-sex sexual acts that trigger violence – behaviors that are regarded as inappropriate gender expression (e.g. a male acting or dressing in a "feminine way") can also raise suspicion and lead to honor violence. Honor killings have been reported in northern regions of India, mainly in the Indian states of Punjab, Rajasthan, Haryana and Uttar Pradesh, as a result of people marrying without their family's acceptance, and sometimes for marrying outside their caste or religion. In contrast, honor killings are less prevalent but are not completely non-existent in South India and the western Indian states of Maharashtra and Gujarat. In 2015 National Crime Records Bureau _ data shows, 251 honor killings were reported in India, activists consider this number to be under estimation due to the misreporting of killings under general murders. According to the survey done by AIDWA, over 30 percent of the total honor killings in the country take place in Western Uttar Pradesh. In some other parts of India, notably West Bengal, honor killings completely ceased about a century ago, largely due to the activism and influence of reformists such as Vivekananda, Ramkrishana, Vidyasagar and Raja Ram Mohan Roy. Haryana has had incidences of honor killings, mainly among Meenas, Rajputs, and Jats. Role of khap panchayats village has been questioned Feminist scholars who studied khaps explain that only 2% to 3% honor killings are related to gotra killings by the khap or caste panchayats, rest are done by the families, "will you ban families?" they reason. Madhu Kishwar,, a feminist and the professor at Centre for the Study of Developing Societies, explains that, "there are plenty of tyrannical police officials, plenty of incompetent and corrupt judges in India who pass very retrogressive judgments, but no one says ban the police and the law courts. By what right do they demand a ban on khaps, simply because some members have undemocratic views? Educated elite in India don't know anything about the vital role played by these age-old institutions of self-governance."

In March 2010, Karnal district court ordered the execution of five perpetrators of an honor killing and imprisoning for life the khap chief who ordered the killings of Manoj Banwala (23) and Babli (19), a man and woman of the same clan who eloped and married in June 2007. Despite having been given police protection on court orders, they were kidnapped; their mutilated bodies were found a week later in an irrigation canal. 2013, a young couple who were planning to marry were murdered in Garnauthi village, Haryana, due to having a love affair. The woman, Nidhi, was beaten to death and the man, Dharmender, was dismembered alive. People in the village and neighbouring villages approved of the killings. The Indian state of Punjab also has a large number of honor killings. According to data compiled by the Punjab Police, 34 honor killings were

reported in the state between 2008 and 2010: 10 in 2008, 20 in 2009, and four in 2010. Bhagalpur in the eastern Indian state of Bihar has also been notorious for honor killings. Recent cases include a 16-year-old girl, Imrana, from Bhojpur who was set on fire inside her house in a case of what the police called 'moral vigilantism'. The victim had screamed for help for about 20 minutes before neighbours arrived, only to find her smouldering body. She was admitted to a local hospital, where she later died from her injuries. In May 2008, Jayvirsingh Bhadodiya shot his daughter Vandana Bhadodiya and struck her on the head with an axe. Honor killings occur even in Delhi. Honor killings take place in Rajasthan, too. In June 2012, a man chopped off his 20-year-old daughter's head with a sword in Rajasthan after learning that she was dating men. According to police officer, "Omkar Singh told the police that his daughter Manju had relations with several men. He had asked her to mend her ways several times in the past. However, she did not pay heed. Out of pure rage, he chopped off her head with the sword".

In 1990 the National Commission for Women set up a statutory body in order to address the issues of honor killings among some ethnic groups in North India. This body reviewed constitutional, legal and other provisions as well as challenges women face. The NCW's activism has contributed significantly towards the reduction of honor killings in rural areas of North India. According to Pakistani activists Hina Jilani and Emam M Ahmed, Indian women are considerably better protected against honor killings by Indian law and government than Pakistani women, and they have suggested that governments of countries affected by honor killings use Indian law as a model in order to prevent honor killings in their respective societies.

In June 2010, scrutinising the increasing number of honor killings, the Supreme Court of India demanded responses about honor killing prevention from the federal government and the state governments of Punjab, Haryana, Bihar, Uttar Pradesh, Rajasthan, Jharkhand, Himachal Pradesh and Madhya Pradesh. Alarmed by the rise of honor killings, the Government planned to bring a bill in the Monsoon Session of Parliament July 2010 to provide for deterrent punishment for 'honor' killings.

In 2000 Jaswinder Kaur Sandhu (nicknamed Jassi), a Canadian Punjabi who married rickshaw driver Sukhwinder Singh Sidhu (nicknamed Mithu) against her family's wishes, was brutally murdered in India following orders from her mother and uncle in Canada so that "the family honor was restored". Her body was found in an irrigation canal. Mithu was kidnapped, beaten and left to die, but survived.

In 2014, English daily, The Hindu, tracked 583 rape cases decided by New Delhi's district courts in 2013. It found that the single largest category of cases (nearly 40 percent] involved consenting couples who had eloped, after which the parents (usually of the women's) had filed cases of rape. This startling fact meant that rape statistics are actually disguising something else: coercion and domestic violence against women's sexual autonomy. This sleight of hand that conflates "relationships chosen freely by women "with" rape allows authorities - police, women's hostels, factory managements - to continue to pass

off restrictions on women's liberties as necessary for "safety from rape". Strict curfews, bans on using mobile phones, punishments for being found talking to a man, dress codes banning "immodest" or "western" clothes, informing a woman's parents if she is found being friendly with a man - these are just some of the "safety" rules imposed on women in educational institutions and workplaces that help maintain the ecosystem in which "honour" crimes take place. The term "honour" crimes are somewhat misleading not only because it implies that such crimes are "honourable". It also gives the impression that these crimes are a product of the "culture" - customs and traditions - specific to certain communities or faiths. Associating such crimes with rigid traditions and certain communities alone prevents acknowledgement of the fact that these crimes are extremely widespread in India, across regions and communities. For instance, in 2010 when Nirupama, a student of journalism, was killed by her family members in Jharkhand for planning to marry her boyfriend from another caste, the then Chairperson of India's National Commission of Women said that her murder did not count as an "honour" killing because such killings were specific to the Indian state of Haryana where the "khap panchayats" (community councils) exist. Women in inter-faith and inter-caste relationships are subjected to immense torture and coercion at the hands of their families, their communities, and increasingly, right-wing and fascist political parties in India. In many cases, they succumb to the pressure and disown the relationship - especially if their partner has been killed. Political organizations close to India's Hindu majoritarian ruling party are unleashing organized violence against inter-faith relationships in which a Hindu woman loves a Muslim man - they term such relationships as "Love jihad". A sting operation caught leaders of India's ruling Bhartiya Janata Party (BJP) and its parent organization, the fascist RSS, on tape making detailed boasts of violence against women, done in the name of "rescuing" them from inter-faith marriages. One BJP leader explained that such campaigns instigating fear of "love jihad" among Hindu parents was a key strategy to build support for the Indian Prime Minister Narendra Modi. These leaders openly boast of surveilling local courts to track impending marriages of Hindu women to Muslim men, mobilizing violent crowds to separate the couple, beating the women with wooden planks, and even drugging them to force them to give up the relationship and file a false case of rape against their boyfriend. Several television channels in India participate in creating and sustaining the myth of "love jihad". However, not a single case of alleged "love jihad" has actually stood the test - each has proved to be entirely consensual. In such cases, the young woman is up against not only her own parents and community - but against political forces that command power. Standing up to such pressure calls for immense courage. In 2014, a Hindu woman, Shalu, fell in love with Kaleem, a Muslim, in Meerut. The fascist outfits portrayed the relationship as a classic case of "love jihad". Shalu was forced to file cases of gang rape against Kaleem and his family members. The media amplified the fascists' sensational claims that Shalu was one among scores of Hindu women lured by Muslim men and then victimised. But Shalu eventually managed to escape her parents' home, go to the police station and tell them the truth - and Shalu and Kaleem are now married. In March 2016, a young Dalit man in Tamil Nadu, Shankar, was brutally hacked to death at a public crossroads in

the presence of his wife Kausalya - Kausalya's parents had ordered the hit, because she was from the dominant Thevar community. Kausalya also was badly injured. But when she came out of hospital, she refused to return to her parents. Instead she has become a committed anti-caste campaigner, travelling on her motorbike addressing talks against caste and patriarchy, and offering support to other women in similar situations, whose spirit is in danger of being broken. But the Tamil Nadu state government has just issued a circular making woman like Kausalya extremely vulnerable to violence: it makes parental consent mandatory for marriages to be registered in a state where right-wing parties are running a campaign instigating violence against inter-caste marriages, especially those where the man is Dalit, such a circular is dangerous.

3. A Judgement Passed by Supreme Court March 27, 2018

A noteworthy judgment has been passed by Three-Judge Bench of the Supreme Court headed by Chief Justice Dipak Misra on the prevalent practice of honor killing in India. While condemning the inhuman practice, the Bench made some striking remarks as under:

"When the ability to choose is crushed in the name of class honour and the person's physical frame is treated with absolute indignity, a chilling effect dominates over the brains and bones of the society at large. The question that poignantly emanates for consideration is whether the elders of the family or clan can ever be allowed to proclaim a verdict guided by some notion of passion and eliminate the life of the young who have exercised their choice to get married against the wishes of their elders or contrary to the customary practice of the clan. The answer has to be an emphatic "No".

The Petitioner in the case was authorized for conducting Research Study on "Honour Killings in Haryana and Western Uttar Pradesh" by the National Commission for Women and contended that there has been a spate of such honour killings in Haryana, Punjab and Western Uttar Pradesh and the said trend is on the increase and such killings have sent a chilling sense of fear amongst young people who intend to get married but do not enter into wedlock out of fear.

It is set forth in the petition that the actions which are found to be linked with honour based crimes are-

- I. Loss of virginity outside marriage;
- II. Pre-marital pregnancy;
- III. Infidelity;
- IV. Having unapproved relationships;
- V. Refusing an arranged marriage;
- VI. Asking for divorce;
- VII. Demanding custody of children after divorce;
- VIII. Leaving the family or marital home without permission;
- IX. Causing scandal or gossip in the community, and
- X. Falling victim to rape.

In the petition, it is alleged that Khap Panchayats are responsible for increase in the practice and have cultivated and

nurtured the feeling amongst them that their duty is sanctified and their action of punishing the hapless victims is inviolable.

4. Preventive Steps to Combat Honor Crimes in India

1. The State Governments should forthwith identify Districts, Sub-Divisions and/or Villages where instances of honour killing or assembly of Khap Panchayats have been reported in the recent past, e.g., in the last five years.
2. The Secretary, Home Department of the concerned States shall issue directives/advisories to the Superintendent of Police of the concerned Districts for ensuring that the Officer In charge of the Police Stations of the identified areas are extra cautious if any instance of inter-caste or inter-religious marriage within their jurisdiction comes to their notice.
3. If information about any proposed gathering of a Khap Panchayat comes to the knowledge of any police officer or any officer of the District Administration, he shall forthwith inform his immediate superior officer and also simultaneously intimate the jurisdictional Deputy Superintendent of Police and Superintendent of Police.
4. On receiving such information, the Deputy Superintendent of Police (or such senior police officer as identified by the State Governments with respect to the area/district) shall immediately interact with the members of the Khap Panchayat and impress upon them that convening of such meeting/gathering is not permissible in law and to eschew from going ahead with such a meeting. Additionally, he should issue appropriate directions to the Officer In charge of the jurisdictional Police Station to be vigilant and, if necessary, to deploy adequate police force for prevention of assembly of the proposed gathering.
5. Despite taking such measures, if the meeting is conducted, the Deputy Superintendent of Police shall personally remain present during the meeting and impress upon the assembly that no decision can be taken to cause any harm to the couple or the family members of the couple, failing which each one participating in the meeting besides the organisers would be personally liable for criminal prosecution. He shall also ensure that video recording of the discussion and participation of the members of the assembly is done on the basis of which the law enforcing machinery can resort to suitable action.
6. If the Deputy Superintendent of Police, after interaction with the members of the Khap Panchayat, has reason to believe that the gathering cannot be prevented and/or is likely to cause harm to the couple or members of their family, he shall forthwith submit a proposal to the District Magistrate/Sub-Divisional Magistrate of the District/ Competent Authority of the concerned area for issuing orders to take preventive steps under the Cr.P.C., including by invoking

prohibitory orders under Section 144 Cr.P.C. and also by causing arrest of the participants in the assembly under Section 151 Cr.P.C.

7. The Home Department of the Government of India must take initiative and work in coordination with the State Governments for sensitising the law enforcement agencies and by involving all the stakeholders to identify the measures for prevention of such violence and to implement the constitutional goal of social justice and the rule of law.
8. There should be institutional machinery with the necessary coordination of all the stakeholders. The different State Governments and the Centre ought to work on sensitization of the law enforcement agencies to mandate social initiatives and awareness to curb such violence.

The Supreme Court Bench in the case has also issued remedial and punitive measures. The Bench has also directed that any failure by either the police or district officer/officials in complying with the directions would be considered as an act of deliberate negligence and/or misconduct for which departmental action under service rules would be initiated against the concerned authority.

5. Conclusion

Drugging, beating, shooting, drowning: the methods by which honor killings are carried out are various, but the motives behind these abhorrent crimes are similar. A young man or woman violates an authoritarian code of conduct by falling in love with the wrong person; one of the two families decides it cannot stand its name to be tarnished; a brutal murder follows. 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. Honor killings are often a result of strongly misogynistic views towards women, and the position of women in society. In these traditionally male-dominated societies women are dependent first on their father and then on their husband, whom they are expected to obey. Women are viewed as property and not as individuals with their own agency. As such, they must submit to male authority figures in the family – failure to do so can result in extreme violence as punishment. Violence is seen as a way of ensuring compliance and preventing rebellion. According to Shahid Khan, a professor at the Aga Khan University in Pakistan: "Women are considered the property of the males in their family irrespective of their class, ethnic, or religious group. The owner of the property has the right to decide its fate. The concept of ownership has turned women into a commodity which can be exchanged, bought and sold". In such cultures, women are not allowed to take control over their bodies and sexuality: these are the property of the males of the family, the father (and other male relatives) who must ensure virginity until marriage; and then the husband to whom his wife's sexuality is subordinated – a woman must not undermine the ownership rights of her guardian by engaging in premarital sex or adultery. The

landmark judgement is a welcome move by the Supreme Court taking India ahead towards a nation where adults have been conferred with a free choice to choose their partners. If

implemented in true spirit, the directions would also aid in combating the heinous crime of honor killing in India.

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