

# Honour Killings in India

Widonlule Newme

Research Scholar,  
Department of Law,  
Assam University, Silchar.

**Abstract:** Honour killing is a global phenomenon. It is the outcome of socio-psychic milieu of typical societies where certain patterns of human behaviour are recognised as dishonour to families and communities. The prime cause for 'Honour Killing' is bringing dishonour to the family member. Honour killings are not restricted by gender and many of its incidences remain under-reported and under-investigated due to the shame that such exposure would bring. In this backdrop the main aim of the present study is to highlight the cause of honour killing and throw light on the legal provision to tackle with the crime of honour killings.

**Keywords:** Honour Killings, Crimes, Women's role, Law.

## INTRODUCTION

Honour killing is a burning issue across the country for about a decade. It occurs mainly in the Middle East and North Africa and parts of South Asia. Honour Killing is the outcome of that socio-psychic milieu of typical societies where certain patterns of human behaviour are recognised as dishonour to families and communities. 'Honour' essentially involves the "maintenance of strict codes of gendered behaviour to control the concepts of shame and property."<sup>1</sup> 'Honour Killing' is generally defined as "the murder of women for suspected deviation from sexual norms imposed by society."<sup>2</sup> The following are some of the definitions of 'Honour Killing' -

1. The Oxford Dictionary of Law Enforcement- Honour killing is the purposeful pre-planned murder, generally of women, by or at the command of members of her family stipulated by a perception that she has brought shame on the family.
2. The Law Commission of India- 'Honour killings' and 'honour crimes' are being used loosely as convenient expressions to describe the incidents of violence and harassment caused to the young couple intending to marry or having married against the wishes of the community or family members.
3. Human Rights Watch- Honour killing are the acts of violence, usually murder, 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 (individuals within) her family for a variety of reasons including- refusing to enter into an arranged marriage, being the victim of sexual assault, seeking divorce - even from an abusive husband or (allegedly) committing adultery. The mere perception that a woman has behaved in a specific way to dishonour her family is sufficient to trigger an attack.
4. Amnesty International - Honour Killing of a woman by a male relative is not an individual act of violence, but one which is collective, planned, sociologically predictable, and socially approved by both men and women in the family and community concerned.
5. Unni Wikan - Honour killing is a murder carried out in order to restore 'Honor', not just for a single person but a collective. This presupposes the approval of a supportive audience, ready to reward murder with 'Honor'.

Thus, from the above definition we may define the term 'Honour Killing' as an unlawful killing of a family member by one or more fellow family members due to the perpetrators' believe that the victim has brought disgrace on the honour and name of family, clan or community. The United Nations Population Fund estimated that as many as 5,000 women and girls are killed in the name of honour by the family members and relatives each year.<sup>3</sup> But Robert Kiener in the study "Can Murders of Women and Girls be stopped?" claims that 5,000 is thought to be gross under count and the figure is closer to 20, 000 per year worldwide.<sup>4</sup> Honour crimes always remain unnoticed and are never recorded. In many cases honour killings are reported as suicide or accidental death by the family members. It is a global phenomenon and has been widely reported in different parts of the world such as Iran, Turkey, Afghanistan, Iraq, Saudi Arabia, Egypt, Palestine, Jordan, Bangladesh, Algeria, Brazil, Ecuador, Morocco, Israel, Ethiopia, Somalia, Uganda, Balkans, Sweden, Holland, Germany, Italy, Yemen, India, Pakistan, Italy, and Great Britain.

## ORIGIN AND DEVELOPMENT

Historically, there are no definitive explanations regarding the origins of 'honour killing'. Honour killing has occurred in many societies and throughout different historical periods. Honour killing can be found in the Codes of Hammurabi (1772 BC) and the Assyrian Law (1075 BC). Beliefs that a husband had the right to kill his unfaithful wife can be traced to the Codes of Hammurabi, Nesilim and Assura. According to the Codes of Hammurabi and Assura, honour culture is expressed in many ways, as for instances, a woman's virginity belongs to the family and if a virgin voluntarily gives herself to a man, the father shall do with his daughter what he pleases. If a married woman commits adultery with another man, she can be executed or her punishment can be decided by her husband.<sup>5</sup>

<sup>1</sup> Rupa Reddy, "Gender, Culture and the Law: Approaches to 'Honour Crimes' in the UK" 16 (3) *FLS* 307 (2008).

<sup>2</sup> Fadia Faqir, "Intrafamily Femicide in Defence of Honour: The case of Jordan" 22 (1) *TWQ* 67 (2001).

<sup>3</sup> UNIFEM, *Fact and Figures on Harmful Traditional Practices* 4 (UNIFEM Publication, Geneva, 2007).

<sup>4</sup> Robert Kiener, "Honour Killing: Can Murders of Women and Girls be Stopped" 5 (8) *Global Researcher* 185 (2011).

<sup>5</sup> Wafaa Abdelhadi, *Honour Crimes and Violence against Women: Preventing and Punishing Honour Crimes* 12 (Tilburg University, 2016)

In South Asian Continent some scholar claim that the practice of honour killing had originated with various Baloch Tribes of Balochistan and spread to other countries as they migrated to different parts of the country.<sup>6</sup> Even in the year 2008, Israr Ullah Zehri, a Pakistani politician, defended the honour killings of five women belonging to the Umrani tribe by a relative of a local Umrani politician in Balochistan. Zehri defended the killings in parliament and asked his fellow legislators not to make a fuss about the incident. He said, “These are centuries old traditions and I will continue to defend them. Only those who indulge in immoral acts should be afraid.”<sup>7</sup> The concept of ‘honour killing’ is neither a new nor a purely Islamic feature; nor is it a characteristic of backward societies. In India, the practice of honour killings is an olden phenomenon prevalent since centuries and unfortunately it has become a commonplace. States of Haryana, Punjab, Rajasthan and U.P. are the mostly reported places for honour killings. Bhagalpur in Bihar is also one of the known places for honour killing. Even some incidents are reported from Delhi and Tamil Nadu.<sup>8</sup> In some parts of India, notably West Bengal, honour killings cease about a century ago, largely due to the influence of reformists such as Swami Vivekananda, Shri. Ramakrishnan, Ishwar Chandra Vidyasagar and Raja Ram Mohan Roy.<sup>9</sup> There is no nationwide data regarding honour killing in India as many of the cases remain unreported and unnoticed. However, the studies conducted by various civil society organisations reveal that India stands into the category of worst affected nations. In India, it is estimated that approximately 1000 people (both females and males) are killed every year owing to alleged honour killing. According to the Indian Democratic Women’s Association, Haryana, Punjab, and U.P. account for about 900 honour killings and another 100 to 300 in the rest of the country.<sup>10</sup>

### CAUSES OF ‘HONOUR KILLINGS’

The main reason for the cause of ‘Honour Killing’ is bringing dishonour to the family member. Dishonour can be of different types for different families. The following are some of the major issues for ‘Honour Killing’-

1. Inter-Caste or Inter-Religious marriage;
2. Allegation of pre-marital or extra-marital relationship between male and female;
3. Restriction of females to select the spouse of their own choice;
4. The fear of losing their caste status;
5. Pregnancy not related with legally married husband;
6. Homosexuality;
7. Live-in-relationship;
8. Patriarchal society;
9. Being the victim of rape;
10. Seeking divorce from an abusive husband.

### VICTIMS OF ‘HONOUR KILLING’

The crimes of ‘Honour’ are not restricted by gender. Men can also become the victims of honour killing by the family members of the woman with whom they are perceived to have an inappropriate relationship. However, mostly women and girls become the victims of ‘honour killing’. The perpetrators of honour crimes are not only the husband or partner of the victim but it can also be carry out by the male or female family members or community.

### ROLE OF WOMEN

Although mothers, sisters, aunts, female cousins, sister-in-laws or other female relatives seldom participate in the actual physical act of murder, it is undeniable that they often play a significant part in honour killings. In fact, it is the women who often instigate the murder or keep it secret, most commonly the mother of the victim. There are a number of reasons for this. For example, the alleged dishonour may undermine the family’s economic and marital prospects, which is a major concern to many mothers, for two reason<sup>11</sup> i.e.,

- i. Firstly, these women are often predominantly financially dependent on their husbands and sons. This gives them a vested, albeit alarming, interest in maintaining the *status quo* and not tarnishing their husbands and sons family name.
- ii. Secondly, an important part of women’s role in several patriarchal communities is to produce children and heirs to carry forward the family name and to ensure that their offspring continue the cycle by entering into socially acceptable marriages.

Therefore, anyone who may potentially disrupt either these two aims is a cause of grave concern for mothers, who are prepared to take drastic steps to prevent their occurrences. Unfortunately, these drastic steps involve covering up the death of their own daughters.<sup>12</sup>

The case of *Rukshana Naz*<sup>13</sup> is the perfect example of women’s prime involvement in honour crime. Rukshana Naz (19), a British citizen, was brutally killed and tortured by her entire family in 1998 because she had defied her family by refusing an abortion. At the time of her murder, Rukshana had been seven months pregnant by her English boyfriend. She had been forced to enter an arranged marriage at the age of 15 to a Pakistani man who had remained in Pakistan. She had two children by him, had intended to divorce him in order to marry her English boyfriend. Rukshana was strangled by her brother Shazad Ali for ‘dishonour’ with a piece of plastic of plastic flex. While her mother, Shakeela Naz, held her down and looked on. At the trial, the court learnt more about the whole family’s involvement in Rukshana’s killing i.e., How her brother Iftikhar (18) had tried to stop his brother and mother’s torturing? and How their mother had fended off her son Iftikhar, shouting “Be strong son!?” Shakeela Naz, who was convicted with life imprisonment for killing her daughter, justified the killing by saying that ‘it was in her kismet’.

<sup>6</sup> Navratan Singh Fateh, *Honour Killing*, 12 available at:

[http://www.tspace.library.utoronto.ca/bitstream/1807/33417/7/Fateh\\_Navratan\\_S\\_201211\\_LLM\\_thesis.pdf](http://www.tspace.library.utoronto.ca/bitstream/1807/33417/7/Fateh_Navratan_S_201211_LLM_thesis.pdf) (Visited on 23 January, 2018).

<sup>7</sup> Zahid Hussain, “Three teenagers buried alive in ‘Honour Killings’” *Times online*, Sept. 05, 2008.

<sup>8</sup> Law Commission of India, 242<sup>nd</sup> Report on Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework, (August 2012).

<sup>9</sup> Piyush Bajaj & Anum Hussain, “There is no honour in murder” 2 (8) *JCIL* 3 (2016).

<sup>10</sup> “More than 1000 honour killings in India every year: Experts”, *Times of India*, July 04, 2010.

<sup>11</sup> Nootash Keyhani, “Honour Crimes as Gender-Based Violence in the UK: A Critical Assessment” 2 *UCL J LJ* 262-263 (2013).

<sup>12</sup> *Ibid*.

<sup>13</sup> *Rukshana Naz v. Shakeela Naz* [2000] ECWA Ct 24.

The *Jaswinder Kaur Sidhu*<sup>14</sup> honour killing case of Vancouver, Canada is another case where mother played a crucial role in getting her own daughter killed. Jaswinder Kaur Sidhu alias Jassi Singh, who was an Indo-Canadian beautician, was in love with Sukhwinder Singh Sidhu and the couple had tied the knot in India without the knowledge of Jaswinder's family. Jaswinder's family was from a high socio-economic class but her husband was a rickshaw driver from a poor family. Her family strongly opposed the marriage and they attempted to persuade her to get a divorce by taking various steps like offering to buy her a car and material possessions, by beating her and by falsely signing her document which contained criminal accusation against Sukhwinder, and when those efforts failed, arranged a number of persons to attack and kill the couple. Sukhwinder was violently beaten and left to die, while Jaswinder's was taken to an abandoned farmhouse and was murdered on the orders of her mother Malkiat Kaur Sidhu and her uncle Surjit Singh Badesha, near the Kaonke Khosa area of Ludhiana, Punjab.

### HONOUR CRIMES A FORM OF DOMESTIC VIOLENCE

Violence is an act of aggression that crosses the boundary of another person's autonomy and identity.<sup>15</sup> The term 'Domestic Violence' implies the indications of familiar or intimate battering having reference to an idealised family unit functioning in a protected and secluded manner, appropriately shielded from the public.<sup>16</sup> Domestic violence manifests as verbal, physical or psychological abuse often, in forms that are more subtle than the violence elsewhere in society.<sup>17</sup> In most domestic violence cases, women experience abuse by husbands or partners, though there are increases in women physical abusing men or elderly relatives.<sup>18</sup> A common factor that links domestic violence to honour killings is that in both, there appears to be a "common cultural expectation of silent endurance from the woman." However, this is where the similarities stop.<sup>19</sup> In western civilizations, awareness regarding domestic violence and its consequences is largely increasing which is the result of education and public awareness programme. Victims of domestic violence are encouraged by the police and prosecution agencies to come forward and report their abuse which is not so in the case of honour killings. In honour killings, incidences remain under-reported and under-investigated due to the shame that such exposure would bring. Thus, the central notion that comes in the mind of the disgrace family is the idea that death can expunge a stain, especially if accomplished quickly<sup>20</sup> and that lead to cause honour killing.

One of the major factors that differentiate honour crimes from domestic violence is that female from the family members or community of the victims often play a significant role in either instigating or covering up such crimes. Honour killings often involve the collective decision of the whole family including mothers, aunts, or senior community females who give their permission for the use of domestic violence on their daughter. Thus, the concept of honour killings is wider than domestic violence.<sup>21</sup>

### RELATIONSHIP BETWEEN HOMICIDE AND HONOUR KILLINGS

While Honour Killings shares many of the elements of the criminal offence of Homicide, there are differences between the two which are as under<sup>22</sup>-

1. The first difference lies in the *mens rea*. Offences under homicide are usually motivated by monetary gains or some other strategic benefit, but the offence of honour killings is purely motivated by the desire to eliminate the persons and to restore back the family honour. This delusional thinking is a part of the perpetrators custom and is engraved into him from birth. Such engraved traditional thinking is so strong, that no matter how much the world changes and modifies, he still believes in the old values that he was initially raised with.
2. The second distinctive feature that exists in honour killing is the fact of shared relation between the perpetrators and the victim. The perpetrator unlike the crime of homicides is not a stranger or a third person in fact the perpetrators is usually one of the family members of the victim, who themselves have been entrusted with the guardianship and care of the victim. The sudden reversal in the role of the caretaker is a unique element of crimes of honour.
3. The third differences that separates honour killings from homicide is that so long as the honour of the family or group or community is not affected by the shameful and dishonourable conduct, the community or group does not necessary expect retaliation or require killing or violence in return. A stronger need of extreme pressure from the community is required. As for instances- Wearing short or revealing clothes might be regarded as shameful, but the degree of shame brought by this action does not necessarily require severe intervention on the part of the society as whole. The wrongdoer may be blamed, mocked or ridiculed. However, actions such as rape and adultery are treated differently because they usually bring shame not only on the performer but also on their kin as well as on the victim and the victim's kin. Therefore, they stain the collective honour of the group which in return is responsible for the extreme reaction of violence or killing in retaliation of the lost honour.
4. The final distinct feature which separates honour killing from homicide is the fact that the perpetrator does not act on his sole motivation rather he is fuelled by desires and directions either by his family, relatives or by the desire of the community. Hence, the guilt burden should not be solely on the trigger puller but rather on every person that was responsible for the abetment and incitement of the crime.

The Law Commission of India disapproved the proposal of Government to amend Section 300 of IPC to include 'Honour Killing' within the definition of murder. The Commission is of the view that there is no need for introducing a provision under Section 300 of the IPC as the existing provision are adequate enough to take care of the situations leading to overt acts of killing or causing harm to the targeted person who allegedly undermined the honour of the caste or community. The addition of such clause may create avoidable confusion and

<sup>14</sup> *India v. Badesha* [2017] SCC 44.

<sup>15</sup> Mamta Rao, *Law relating to Women & Children* 165 (Eastern Book Company, Lucknow, 2<sup>nd</sup> edn., reprinted 2011).

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Ursula Smartt, "Honour Killing" 170 *The Journal Dedicated to Magisterial and Local Government Law* 4 (2006).

<sup>19</sup> *Supra* note 11 at 263.

<sup>20</sup> *Supra* note 18 at 4-5.

<sup>21</sup> *Ibid.*

<sup>22</sup> Navratan Singh Fateh, *Honour Killing*, 35-37 available at:

[http://www.tspace.library.utoronto.ca/bitstream/1807/33417/7/Fateh\\_Navratan\\_S\\_201211\\_LLM\\_thesis.pdf](http://www.tspace.library.utoronto.ca/bitstream/1807/33417/7/Fateh_Navratan_S_201211_LLM_thesis.pdf) (Visited on 23 January, 2018).

interpretational difficulties.<sup>23</sup> The commission has proposed fresh legislation that seeks to declare that the Khap Panchayat indulging in this crimes be declared unlawful. It further proposed a new Bill titled “The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011. The Bill intends to check honour killings. It proposes that no person or any group of persons shall gather with an intention to deliberate on, or condemn any marriage, not prohibited by law, on the basis that such marriage has dishonoured the caste or community tradition or brought disrepute to all or any persons forming part of the assembly or the family or the people of the locality concerned. According to the draft law, marriage includes a proposed or intended marriage.<sup>24</sup>

### LEGISLATIVE FRAMEWORK REGARDING ‘HONOUR KILLINGS’ IN INDIA

There is no specific law in India which deals with the gruesome act of ‘Honour Killings’ and any punishment regarding the same. It is treated as murder under the Indian Penal Code or the Code of Criminal Procedure as it is not a crime specified separately under the laws. The following are the legal provisions regarding ‘Honour Crimes’ in India-

1. **Constitutional provisions:** The Indian Constitution has ample provisions allowing an individual to exercise his/her choice, independent of caste, religion or gender and protection from honour related crimes. The following are the provisions that substantiate this-
  - **Article 14:** It guarantees every person the right to equality before the law or equal protection of law within the territory of India.
  - **Article 15(1):** It prohibits discrimination against any citizens on the grounds of religion, race, caste, sex, place of birth or any of them.
  - **Article 15(3):** Not to prevent the State from making any special provision for women and children.
  - **Article 17:** Abolished untouchability
  - **Article 18:** Abolition of titles
  - **Article 19:** Right to freedom
  - **Article 21:** Right to life and personal liberty.

In *Lata Singh v. State of U.P.*<sup>25</sup> case, the Supreme Court observed and directed that-

“This is a free and democratic country, and once a person becomes a major he/she can marry whosoever he/she likes. If the parents of the boy or girl do not approve such inter-caste/inter-religious marriage, the maximum they can do is to cut off social relations with him/her, but cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste/inter-religious marriage. We, therefore, direct that the administration/ police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste/ inter-religious marriage with a woman or man who is a major, the couple are not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by the law. We sometimes hear of ‘honour killings’ of such persons who undergoes inter-caste/inter-religious marriage on their free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out acts of barbarism.”

In *Arumugam Servai v. State of Tamil Nadu*,<sup>26</sup> the Supreme Court had strongly deprecated the practice of *Khap panchayats* from taking the law into their own hands and indulging in offensive activities which endanger the personal lives of the persons marrying according to their choice. In this case the Supreme Court observed –

“To kill or physically assault a young man/woman who marries against their wishes is wholly illegal.”

2. **Indian Penal Code, 1860:** Honour killing are cases of homicide which are considered as grave crimes under the Indian Penal Code (IPC). Sections relating to honour crimes are as under-
  - **Sections 299-304:** It penalizes any person guilty of murder and culpable homicide not amounting to murder. The punishment for murder is death or life imprisonment and shall also be liable to fine. The punishment for culpable homicide not amounting to murder is life imprisonment or imprisonment up to 10 years and fine.
  - **Section 307:** It penalizes attempt to murder with imprisonment up to 10 years and fine. If a person is hurt, the offender shall be liable to life imprisonment or to such punishment as is hereinbefore mentioned.
  - **Section 308:** It penalizes attempt to commit culpable homicide with imprisonment up to 3 years or with fine or with both. If it causes hurt is caused to any person by such act, shall be punished with imprisonment for a term which may extend to 7 years or with fine or with both.
  - **Sections 120 A and B:** It penalizes any person who is a party to a criminal conspiracy.
  - **Sections 107-116:** It penalizes person for abetment of offences including murder and culpable homicide.
  - **Sections 34 and 35:** It penalizes criminal acts done by several persons in furtherance of common intention.
3. **The Indian Evidence Act, 1872:** The Act has provision to punish those who conceal facts, either before or at the time of, or after the alleged crime. Article 13 of the Act deals with the relevancy of facts when right or custom is in question. It states that-
 

“Where the question is as to the existence of any right or custom, the following facts are relevant-

  - a. Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence;
  - b. Particular instances, in which the right or custom was claimed, recognized or exercised, or in which its exercise was disputed, asserted, or departed from.”

This Act is relevant to bring justice to those who become the victim because of the verdicts by the caste/ khap panchayats.

<sup>23</sup> *Supra* note 8.

<sup>24</sup> Dr. Alka Bhatia, “Honour Killing- A study of the causes and remedies in its Socio Legal Aspects” 4(38) *IJRRJ* 8 (2012). (2006) 5 SCC 475.

<sup>25</sup> (2011) 6 SCC 405.

<sup>26</sup> (2011) 6 SCC 405.

4. **The Special Marriage Act, 1954:** The main of this Act is to provide a special form of marriage for the people of India and all the Indian nationals in foreign countries, irrespective of the religion or faith followed by either party; to provide for registration of certain marriage; and to provide for divorce.
5. **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989:** The Government of India enacted the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 with a view to prevent exploitation of weaker sections by other caste people in society, to ensure social justice and to give due respect to the Scheduled Castes and the Scheduled Tribes. The Act was amended in the year 2015 known as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 [No. 1 of 2016]. The present Amendment Act received the assent of the President on 31<sup>st</sup> December 2015, which came into force on 26 January 2016. Under this new Amendment Act, new offences of atrocities like garlands with footwear or parades naked or semi-naked, removing clothes from the person, forcible tonsuring of head, removing moustache, painting face or any other similar act, which is derogatory to human dignity, abuses by caste name in any place within public view, uses words, acts or gestures of a sexual nature towards the Scheduled acts or a Scheduled Tribes woman, forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence, causes physical harm or mental agony on the allegation of practicing witchcraft or being a witch, imposes or threatens social or economic boycott, etc., shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.
6. **The protection of Human Rights (Amendment) Act, 2006:** This Act provide for the constitution of a National Human Rights Commission, State Human Rights Commission in States and Human Rights Court for better protection of human rights of individuals.
7. **The protection of Women from Domestic Violence Act, 2006:** The reason behind the enactment of this Act is to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.
8. **The prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2015:** The Bill provide for protecting individual liberty and preventing victimisation, prohibition of unlawful assemblies and other conduct interfering with the freedom of matrimonial alliances in the name of honour and tradition.

#### INTERNATIONAL INSTRUMENTS ON 'HONOUR KILLING'

'Honour Killings are an extreme and brutal abuse of Human Rights violating the most basic human rights. The following are the international provisions that give protection to Honour related crimes -

1. **Universal Declaration of Human Rights (UDHR) 1948:** This Declaration affirms the principle of inadmissibility of discrimination and inequality and proclaims that all individuals are born free and equal in dignity and rights and freedom. It devoid any kind of distinction. Violating the principle of equality of rights and respect of human dignity is an obstacle to the participation of women in the political, social, economic and cultural life and hampers the growth and prosperity of society and the family. All crimes of honour, including honour killing are gross violations of the human rights enumerated in the declarations. Some Articles of the Declaration are as follows-
  - **Article 1:** It states that all human being are born free and equal in dignity and rights.
  - **Article 2:** It prohibits discrimination of any kind.
  - **Article 3:** It provides that everyone has the right to life, liberty and security of person.
  - **Article 5:** It deals with prohibition of torture and degrading treatment.
2. **International convention on Economic, Social and Cultural Rights (ICESCR), 1976:** Crimes of honour that involves sexual and mental violence or physical or mental torture obstruct the right of women to enjoy the highest attainable standard of health. Thus, to protect the women from such violence special provision has been provided under Article 12 of the Convention, which states that "States parties have to take all steps to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."
3. **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979:** CEDAW aims to provide and ensure equal opportunities for women in every aspect of society and to guarantee all human rights and fundamental freedoms for women. Some of the Articles are as under-.
  - **Article 1:** It defines the term discrimination against women. It states that- "Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."
  - **Article 2 (c):** It deals with gender equality.
  - **Article 2(e):** To undertake all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.
  - **Article 2 (f):** To undertake all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.
  - **Article 5:** To take all appropriate measures in order to change discrimination against women by educating the society.
  - **Article 15:** It deals with equality before the law.
  - **Article 16:** To take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.
4. **Beijing Platform for Action (BPFA), 1995:** Though not legally binding on the States, the human rights standards enumerated in paragraph 232 of the Beijing Platform for Action recognises that the "human rights of women include their right to have control over

and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.” The BPFA on women’s human rights calls upon States to take urgent action to combat and eliminate violence against women, which is a human rights violation resulting from harmful traditional or customary practices, cultural prejudices and extremism.<sup>27</sup>

5. **Declaration on the Elimination of Violence against Women (1993):** This Declaration contained within it to recognise the urgent need for the universal application to women the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings. The Declaration affirmed that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women.

## CONCLUSION

From the above discussion we may lastly conclude by saying that honour killing is a harmful evil customary practice that violates the fundamental rights of an individual. Its acts inevitably arouse intense and extreme degradation in the society. It is a severe form of crime because own relatives collectively instigate and commit murder in the presence of family or community. Honour killing is said to be committed in order to save family honour but there is no honour in doing such deed rather it is a barbaric and shameful acts of murder and the wrongdoer deserved a harsh punishment. No doubt law is an important tool to fight against this heinous crime but at the same time it is also the moral responsibility of the society to avoid honour killing and protect the rights of its young citizen by creating possibilities and opportunities for the people concerned to break free and to find protection, support and aid.

## REFERENCES

- [1] Abdelhadi, Wafaa, *Honour Crimes and Violence against Women: Preventing and Punishing Honour Crimes* 12 (Tilburg University, 2016).
- [2] Amesty international, *A Report on Broken Bodiess, Shattered Minds, Torture and ill Treatment of Women* (Amnesty International Publication, London, 2011).
- [3] Bajaj, Piyush & Hussain, Anum, “There is no honour in murder” 2 (8) *Journal on Contemporary Issues of Law* (2016).
- [4] Bhatia, Alka (Dr.) “Honour Killing- A study of the causes and remedies in its Socio Legal Aspects” 4(38) *International Indexed Referred Research Journal* (2012).
- [5] Doel, Satnam Singh, “Honour Killings in India: A study of the Punjab State” 3(6) *International Research Journal of Social Sciences* (2014).
- [6] Fadia Faqir, “Intrafamily Femicide in Defence of Honour: The case of Jordan” 22 (1) *Third World Quarterly* (2001).
- [7] Fateh, Navratan Singh, *Honour Killing*, 12 available at: [http://www.tspace.library.utoronto.ca/bitstream/1807/33417/7/Fateh\\_Navratan\\_S\\_201211\\_LLM\\_thesis.pdf](http://www.tspace.library.utoronto.ca/bitstream/1807/33417/7/Fateh_Navratan_S_201211_LLM_thesis.pdf) (Visited on 23 January, 2018).
- [8] Grewal, Puneet Kaur, “Honour Killings and Law in India” 5(6) *Journal of Humanities and Social Science* (2012).
- [9] Hussain, Zahid, “Three teenagers buried alive in ‘Honour Killings’” *Times online*, Sept. 05, 2008.
- [10] Human Right Watch, *Honouring the Killers* (Human Right Watch Publication, Vol. 16, No. 1(E), 2004).
- [11] Kiener, Robert, “Honour Killing: Can Murders of Women and Girls be Stopped” 5 (8) *Global Researcher* (2011).
- [12] Keyhani, Nootash, “Honour Crimes as Gender-Based Violence in the UK: A Critical Assessment” 2 *UCL Journal of Law and Jurisprudence* (2013).
- [13] Law Commission of India, 242<sup>nd</sup> Report on Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework, (August 2012).
- [14] Reddy, Rupa, “Gender, Culture and the Law: Approaches to ‘Honour Crimes’ in the UK” 16 (3) *Feminist Legal Studies* (2008).
- [15] Rana, Pranab Kumar (Dr.) and Mishra, Bhabani Prasad, “Honour Killing-A gross Violation of Human Rights & its Challenges” 2(6) *International Journal of Humanities and Social Science Invention* (2013).
- [16] Rao, Mamta, *Law relating to Women & Children* (Eastern Book Company, Lucknow, 2<sup>nd</sup> edn., reprinted 2011).
- [17] Smartt, Ursula, “Honour Killing” 170 *The Journal Dedicated to Magisterial and Local Government Law* (2006).
- [18] The Oxford Dictionary of Law Enforcement, *Honour Killing* (London, Oxford, 2007).
- [19] UNIFEM, *Fact and Figures on Harmful Traditional Practices* (UNIFEM Publication, Geneva, 2007).
- [20] Wikan, Unni, *In Honor of Fadime: Murder and Shame* (University of Chicago Press, 2008).

\*\*\*\*\*

<sup>27</sup> Puneet Kaur Grewal, “Honour Killings and Law in India” 5(6) *JHSS* 30 (2012)