

Honour Killings in India: An Unhonoured Crime

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ABSTRACT: *This paper initially begins with discussing the term “Honour killing”, as there is no honour in doing or committing such a heinous crime, just to prove the image or goodwill of the family in-front of the society, in order to survive amongst the other members of the society. The term “honour killing” is defined as, “an act amounting to murder or homicide, which is committed upon one of the member of the family, which brought shame or dishonour to the family, through her act of going against the will or wish of the family”. Further, the paper moves onto discussing the factors or causes behind the execution of such an act, as it is totally an unhonoured crime, and the offenders of such an act, are liable for the punishment and penalty provisions, laid down in the Section 302 of Indian Penal Code. Finally, the paper concludes by mentioning or recommending various different changes or extensive reforms required for amendments within the current laws, for the safety and security of the citizens of India, as everybody has the fundamental right of living free as per their will; wish and command.*

KEYWORDS: *Crime; Honour; India; Killing; Un-honour; Violation.*

INTRODUCTION

Time is very hard to predict, no one can predict the future of their life, hence, it is advisable that every human being on the earth should live their life on their terms and conditions, freely and willingly, also, each and every single individual should not be compelled or forced to live their life on someone else’s conditions in order to maintain the status or image of their family or to protect their family’s modesty in-front of the society, someone should not ruin their life[1].

There is no honour in doing or committing such a heinous crime, just to prove the image or goodwill of the family in-front of the society, in order to survive amongst the other members of the society. The term “honour killing” is defined as, “an act amounting to murder or homicide, which is committed upon one of the member of the family, which dishonoured or bought shame to the family, through her act of going against the will or wish of the family”[1].

The factors or causes responsible behind the execution of such an act, are the other members of the society or the relatives and neighbours of the family, are totally responsible behind the execution of such a crime, as they often end up in triggering or compelling or poisoning the ears of the family members to commit such an offence in order to save up their image or status amongst the society or neighbourhood. But, such an offence is totally an unhonoured crime, and the offenders or perpetrators of such an act, are liable for the punishment and penalty provisions, capital punishment or life imprisonment as laid down in the Section 302 of Indian Penal Code[1].

The practice or execution of honour killing is quite prevalent and common these days in India. In such an execution of the crime, the women or female member of the family is killed and her right to live freely is being snatched or violated by her own family members, as she committed an act which was considered totally against the will of the family and the status or image of the family[2].

An act of marrying amongst the different cast or creed of the family, is being said or denoted, that, the female of the family has gone against the will or wishes of the family, which ruined the image and went all against the modesty of the family. Hence, on the decision of the senior or supreme member of the family, an act of killing that female member is being executed, on the belief, that this will solve all the issues or problems and will allow them to live in the society, with all courage and respect[2].

People belonging from old school and having ancient thought of process, are generally image conscious, and they can go to any extent in order to protect their family status or image amongst the other members of the society. Such an act of honour killing, involves killing in the name of the honour of the family, which is totally considered as an unhonoured crime, the execution of such an act involves violence as a tool or medium for maintaining customs, ritual or control in the family in order to survive amongst the society[3].

Such sort of people having old-age thinking process or perception, only have a thought process or only resort to execute an offence or crime of honour killing as their first and best option, in order to maintain the face or image in the community. The society or community, wherein there exist loopholes in the law or

fragile laws and regulations, the people of that society, takes the law in their hand, and they become the lawmakers of that section of the society. Moreover, in this situation, male members of the society become the supreme authority, and they only resort to killing of the female member of the family, who has ruined the image or status of the family[3].

The act of honour killings, is an act of revenge, in the form of death, executed by the male members of the family upon the female members of the family, in order to clean their image in-front of the other society members, which is being dishonoured by the female members of the family. The female members of the society, are easily targeted by the senior male members of the society, on the execution of either going against the will or consent of the family members with respect to the arrange marriage of the female members or in other terms refusal of entering into an arrange marriage; or opting for divorce even when the husband is at fault[3].

Therefore, such execution of acts by the female members of the society, which are totally unbearable or non-tolerable by the other members of the society, amounts to the execution of honour killing within the family, in order to protect the image or status of the family and increase their chances of survival within the community or society. The mere thought process and perception of the male members of the society, that a particular act by the female members has caused harm to the image of the family, is sufficient to act as the trigger for execution of such an act[3].

An act of honour killing is also denoted as an act of shame killing, which usually amounts to the execution of an act, which involves the homicide or murder of the member of the family, especially the female member of the family, by the other member of the family, especially the supreme male member of the family. The wholesome reason behind an execution of such an act, is the mere belief or perception of the perpetrators, that some sort of dishonoured or shameful act has been committed by the female members of the society, being the victim of such a heinous act, which has lowered down the status or image of the family in the eyes of the society[4].

The female members of the society are usually found the victim of such an act of honour killing because of their actions or refusal to perform some actions, which totally amounts to going against the status or image of the family. Such actions can be – refusal to opt for arrange marriage, being allegedly in an extra-marital affairs or committing an offence of adultery etcetera. In some cases, sometime the men can also become the target of honour killing, by the female sections of the society, with regard of having an illicit relationship out of the marriage[4].

The main reason of committing an offence of honour killing is to remove the stigma, that is being attached to the whole family on the actions performed by the female members of the family, which are totally unacceptable and unbearable, as it ruins the image or status of the family in the community or society[4].

On the other hand, the first and best option, which are being opted by the male members of the family, based on their perception of mind-set, to remove such a stigma attached to this act, is to violate the right of living of the victim, by killing her, and remorsefully, such an act or behaviour of the perpetrators is never questioned by others, but it is highly justified on the other hand in the eyes of the community[4].

The character which makes the crime of honour killing different from all other similar types of such a heinous crime, is the combined motive or nature of the family members or perpetrators, because, all the members of the family, come together, and executes an act or plans to execute such an act, in order to save their family status and image amongst the whole community and society, in order to create an example and prove themselves and to make their act or behaviour justified and non-questionable, in order to create an alarming scenario or situation, for rest of the female members, in order to warn them, before executing such an act or behaviour, which may amounts to tarnishing their family image and status[4].

The prevalence of the honour killings in India, has also raised a question of violation of constitutionality or fundamental rights and the provisions related to the same, as the execution of act of honour killing is done with a solo motive of going against the will or wish of the family and tarnishing the image of the rest of the members of the family, putting them in an uncomfortable zone, as they are unable to reside or live in the community. But, on the other hand, the Constitution of India, provides various different rule and regulations, wherein every individual of the community, is freely allowed to follow any gender and religion of his or her choice, hence, availing or providing protection towards the execution of honour killings[5].

The killings of family members, especially the female members of the family, amounts to the violation of various different Articles of the Constitution, such as, Article 19, 15(1), 14 and 21 etcetera. The execution of an act of honour killing is totally the violation of Article 14, as the aforementioned Article of the Constitution provides, every person equality before the law and equal protection by the prevalence and existence of law of the country, hence, every female member can resort to the Article 14 of the Constitution, in order to fight for their justice[5].

An unhonoured crime of honour killing is the crime, which is being executed upon the female members of the society at a large extent, as it is perceived that the act or behaviour committed by the female members of the society is totally amounting to the tarnishing of image and status of the family. Moreover, sometime the high increase of such an act of honour killing within the jurisdiction of India, sometime amounts to the gender violence. Through the existence of Article 21 in the Indian Constitution, each and every individual of the community and society, is granted right to live freely and provides personal liberty, which is surely violated by the execution of an act of honour killings on the female members of the family, being the victim, by the male members of the family, being the perpetrators[5].

Existence is unforeseeable. The very next moment in living is revealed to anyone or anything. In just such a scenario, each person has the ability and desire to live life according to their commitment. No man shall, for the good and reputation of another, be forced to lead a life. Attempting to kill honour is destroying a girl, perhaps a boy or a girl, who just doesn't embrace the mother's open relationship or decides to transfer her married relationship according to her either his will only because it takes the family's reputation downward[6].

This way of slaughter arises due to some causes that are often addressed in honour killing only with study of government. If they break the statute, no one will be left free because this is a felony that breaks certain safeguards developed for the safety of the individual in just such a situation. Among several criminals, this offense is identical to several offenses, but there is also another crime that is often distinguished in this paper. It inevitably decreases the dignity and class of the female relatives when the spouse is of lower classes, which causes the male people in the family to hurt the baby[6].

Honour killing is being used by the member of the household dreaming of adding dignity to the community as a filthy behaviour. It is just an act of violence by the community to add glory to the community in order to remove the stigma and dishonour caused by the member of the household. The male relative murders the female leader who has insulted the parent's privacy and respect. That's a kind of pre-planned assassination by close relatives against all the individual who acquired the community guilt[6].

Many of these actions are triggered by communities, culture, causes, etc. Relatives who feel dishonoured and insulted by the perpetrator. These really are mainly against women who are charged with sexual and domestic crimes. In a case where even the participants should help the women, they become against them and are solely responsible for creating a scenario where they can really not operate[6].

Murdering honour is an action of humiliation inflicted on the community by whom it is sometimes referred to as destroying humiliation. If the individual doesn't really agree for wedding ceremony, embracing an individual opposed the idea by the community, makes inter-caste relationship that would be against the desire or the will of the relatives, it is an action of killing. This sort of murdering has been conducted out in India for many decades. It has been a pattern ever since the older times. In our region, it has now become a common procedure[6].

The Constitutional Court released an educated opinion on honour killing stating "it is immoral to shoot or violently attack teenage girls and boys who marry against all the wishes of the community." This form of murder is a cruel and an immoral action carried out by the close relative. That being said, killing has also been established a different rule in our nation of severe penalty. In India, there is much more custom of honour killing, mainly in areas in Punjab, Uttar Pradesh, Rajasthan and Haryana. The act of extrajudicial execution is gradually being documented due to complicated social and cultural issues[6].

The key reasons of honour killing are that upper caste representatives don't really allow inter caste wedding to preserve their class, because if something happens, which pull down their position in the society, they will believe there will be no need for such a move, then in that case unless the female/male decides to marry to that low-status individual, they consider that the individual doesn't have to survive rather than keeping

their position lower. Except in the event of the very same rank and caste, the family do not agree if the survivor wishes to marry a person[6].

This assassination is undertaken in attempt to re-establish their dignity, which will then be diminished by the act of teenage male. Woman's Killing is often done in India because of compassionate deeds. Mostly in state of extreme and immediate aggression, the persons that have perpetrated the action of intentional murder. Such a notion was embraced whenever the legislation was established because the practice of honour killing had been widespread for centuries. Killing is a felony that has been largely similar to such serious offences. Race is essential for a community, but the community should still take into consideration the teenage male and female who have been raised up by the house for decades[6].

Research Question

- What do you mean by the term and concept of “Honour Killing”?
- What are the factors or causes responsible behind the execution of an act of “Honour Killing” in India?
- What are the impacts or effects of “Honour Killing” on the perpetrators and victims of such an act?
- What are the preventive steps or measures taken, in order to control or eliminate the practice of Honour Killing and its prevalence in India?

DISCUSSION

This section of the paper discusses the different legal provisions which are being violated, by the execution of an act of honour killing, in order to protect the honour of the family. This section of the paper also discusses various different legal provisions which can be used as part of defence or for curbing and controlling the rise of such a crime within the jurisdiction of India. These provisions can be used as a tool of defence, against the perpetrators, be it the family relatives; neighbours or supreme members of the society, in order to put them in jail, so that an alarming scenario be created within the community, and this can act as a lesson for others, so that they can think twice before committing such an offence[6].

Killing unlawfully of a woman or the female member of the family, for her impure and unclean act and behaviour, in order to keep their family status and image pure and clean, without any stigma attached, amongst the community, is usually denoted as an execution of an offence of “Honour Killing”[7].

Such an act is usually executed or committed with the belief or perception of the perpetrators behind the behaviour of the woman of the family, which is wholly against the image or status of the family and due to which the other family members survival in the community is difficult, as they have fallen in the eyes of the society. The perpetrators or the relatives and neighbours of the family, have only one thing in the mind, they only think about the image and status of their family, they are very image conscious, hence, they opt for executing the crime of honour killing, as they belief of killing the root cause all together for restoring and protecting their image in the community[7].

There are various different types of acts, on the execution of which by the female members of the family, amounts to be liable for honour killing, as they amount to the tarnishing the image of the family and are totally dishonourable amongst the community of the family, and is totally non-tolerable by the other family members of the society. The act of honour killing is not only restricts only to the female sections of the society, it is also targeted at the male sections of the society. These type of acts are the main reason behind the execution of honour killing within the family, by the family members of the society[8].

The practice of honour killing, has become more of a cultural or ritual practice, rather than a religious act or practice, and behind the curtains, it is being openly supported by few sections of the society, but openly in-front of the curtains, it is being discouraged by everyone at every place or forms of jurisdiction of India. Moreover, it is very horrible to witness that the majority of the population of the society bears the young blood, and they have majorly lost their lives due to the prevalence or increase of such an act globally all over the world[9].

In order to control the rise and to curb the increase of honour killing within the jurisdiction of India and globally, a uniform and regular definition or meaning of the term “honour killing” should be given, in order to avoid the irregularities and inconsistencies amongst the lawmakers and law bearers of the society[9].

Development or introduction of several helpline numbers must be established within the hotspot of such crimes and enabling of special task force of police officials must be set up, in order to control the rise of such crime[9].

Moreover, along with these provisions and changes, an awareness drive should be started, so that the victims and offenders must be aware of their rights, duties and liabilities, so that before executing such a heinous offence of honour killing, they must think twice and think about the consequences and penalty provisions attached with the same, as committing an offence of honour killing, will surely put the perpetrators behind the bar or they can be even liable for life imprisonment or capital punishment as decided by the law of the land[9].

The authorities or the law makers must become active now, as it's high time for now or never. Hence, in order to control the crime of "honour killing", instead of joining hands with the perpetrators, they should punish the offenders and provide justice to the victims of such an offence, as they have already suffered a lot, and delay in justice or miscarriage of justice to the victims of such a crime will be more heinous to them as compared to the sufferings caused by being the part of such a crime[9].

Killings leads to violence and death also because crimes are carried out with the intent of hurting the perpetrators since they have reportedly dishonoured the community. According to Section 302 of the Penal code, the offenders may be prosecuted. Each individual has a right to life. The death sentence is feasible only if it is provided by statute. These also breached the rules of the Constitutional Provisions in situations where even the Village Council members have persuasively divided married people which are of eligible understanding and age to get engaged[10].

CEDAW clauses should be used to claim that perhaps the culture and custom of shaming children for ill-informed suggestions of disrespecting the community is fundamentally ingrained bigotry towards persons and imposes a legally enforceable duty for India, as a State Party to the Agreement, to undertake all steps to bring a stop to any and all types of attempted murder activity and to guarantee that certain types of honorary title killings activity are taken. The Legislation Commission proposed that mass murders be declared a non-bailable offense and supported a seven-year prison sentence for representatives of the community village council pleaded liable in the interest of honour of punishing lawfully married people[10].

Dignity Killing has been perceived as a complex phenomenon that has been vastly overblown by many nations. Dignity Killing's meaning is fluid, evolving in community based on time, location and modes of expressiveness and language. Dignity Killing has been described as trends of behaviour that cut through families, societies, beliefs and countries, and result in a number of kinds of offenses aimed in most cases towards females, namely assassination and underage marriage. Dignity Killing is perceived to be a criminality that undermines the community at large, stability and peace and functions as a brief prohibiting females from advancing[10].

As a mechanism to retain power, dignity killings entail abuse and terror. Atrocities by nomadic cultures and shepherds are supposed to always have their early history: those societies bear with them as well their valuable items and fear being robbed, but they do not provide adequate remedy to the legislation. As a consequence, it is superior to many other actions to evoke terror, use violence, and develop a credibility for aggressive retaliation in order to defend land. Citizens must create intense reputation and image in communities where there has been a poor law and order[10].

Men are origins, or effective agents of the reputation, in several societies where dignity is of essential importance, when the only impact that females may have on commemoration is to kill it. When a female is perceived to only have ruined the reputation of the religious community, there is indeed a desire for instant retribution to recover it, in hopes for the community to start losing credibility in the society[10].

CONCLUSION & IMPLICATION

The crime of honour killing is deeply and directly related to the discrimination and violence against the women of the society, as based on the perceptions and line of thought of the male members of the society, because they think and treat the women of the society as a mere object and are not entitled with equal sort of rights as compared to the men of the society. Most of the times they are ruled over the terms and conditions, laid down by the male members of the society.

Unlike male members of the society, who are always ruled and treated with power, rights, duties, dignity and respect in the community. They are treated as human beings in the society, unlike female members of the society, who are treated as a commodity and animals in the society, and are not allowed to take their own decision and they do not possess any power of living freely and with personal liberty in the society.

Due to the traditional conceptions of the society, which includes male members at large, the resort for the practice of honour killing, in order to preserve or protect their honour amongst the community, and their act of honour killing is also justified without any questions raised, as they take the defence of committing an act in order to restore the tarnished image of the society.

The Right to life stated by the Constitution of India, should be an equal assessing parameter for male and female of the society, but nowadays, such a thing does not exist, as the meaning of right to life is different for the women sections of the society, as compared to the male sections of the society. Females are allowed to live on condition basis, if and only if they follow the society rules and regulations or traditions set out by the community. Hence, it is advisable that, the right to life for women sections of the society should not be conditional.

The connection between the perpetrators and their pride behind executing such an offence and lack of authorities for not taking actions against the perpetrators, adds the fuel against the women sections of society, resulting in the miscarriage of justice. Hence, this sort of interconnection should be strictly stopped by the implementation of various different stringent and strict adherence policies within the National and International provisions, in order to control the rising and rampant situation of such crimes in India.

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