

Research Article on “Honour Killing: A Way to Towards Continuing with Casteism in Modern Indian Society”

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Abstract:

This article deliberates Honour killing, ‘Honour Killing’ is a cultural crime or a cultural tradition prevalent amongst non-Caucasian Societies which notice women as bearers of family honour. Indian cultures are very deep rooted. Many young people in India have been done to death every year owing to ‘Honour Killings.’ It is because so called honour killings are based on the belief, deeply rooted in Indian cultures, which consider the women as objects and commodities, and not as human beings endowed with dignity and rights. Most honour killings occur in countries like India where the concept of women is considered as a vessel of the family reputation., This paper is an attempt to tackle the very important issue of a cultural crime that is magnifying day by day like a monster untamed. Honour killing—a form of gender violence is perceived as darker side of culture in many societies. Usually, religious radicalism or social backwardness is considered basic factor behind honour killings. Life is unpredictable. No one knows the next minute of life. In such case, every human has the right and wish to live the life up to their willingness. Due to discriminator social beliefs and extremist views of gender, officials often condone or ignore the use of torture and brutality against women. As a result, the majority of so-called honour killings so unreported and perpetrators face little, if any, consequence.

Key Words: honour Killing, mass media, violence, news, culture, social practice, public opinion

Introduction of Honour killing

Honor crimes are acts of violence, usually murder, committed by male family members against female family members, who are held to have brought dishonor 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 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 “dishonors” her family is sufficient to trigger an attack on her life.

According to the ‘conservative’ khap panchayat, marriage between people of the same village is considered incest as they are siblings and hence these marriages are not valid. So, the panchayat orders the murder of the couple and hangs their body in the village crossing as an example to other straying couples.

Objectives of the Study

The main objective of this study is:

- To distinguish about honour killing and its significances.
- To educated the civilization about the possessions of honour killing.
- To learning about the role of law in honour killing.

- To scrutinize the triggers of honour killing.

Review of Literature

Gulafroz Jan & Khazin Munir (2018), Presented article on “Honour killing: a socio-legal analysis with special reference to district Srinagar of J&K”, According to author analysis Honour crime is a vintage crime which still holds its place in today’s society inspite of the modern mindset and advance thinking. Honour killing is the most aggravated form of honor crime which is prevalent almost in all the societies of the world with variation in its statistics. Laws in some countries have totally banned honour killing and is regarded as one of the heinous crimes. As far as India is concerned it has no proper and accurate law to deal with such crimes, because of which a big lacuna has been developed in the Indian legal system. Jammu and Kashmir is also following the footsteps of India and its legal system is also silent about such a terrible crime which is done on the name of honour. In this paper an attempt has been made to highlight the statics relating to the aspects of honour killing like how people react to it? What law is? What law ought to be many other questions which are important to deliberate upon for analysis of this problem

Nidhi Shendurnikar, she wrote article on “Honour in Then Ews: Media Representation of Honour Killings”, in her research focuses on the recent spurt of news on honour-based crimes in India and the way the mass media has represented stories on these happenings. Though honour-based violence is not something new; it has caught media attention only recently. Sporadic cases of honour killings especially in the northern parts of the country have been in news and have gone ahead to define the concept in the minds of Indians. Through an extensive literature review, the paper seeks to examine the quality of coverage by the media as also the relation between media and popular culture. Reporting by the media has played an important role in developing an understanding on the issue but at the same time there are concerns of biased and lop-sided coverage which have hurt the larger cause. Mass media has a deep impact on culture and vice versa. The manner in which media talks about such social crimes builds public opinion as also educates masses about regressive social practices around them. A debate on notions of culture, honour, society and inclusiveness is sparked when the media not only comes up with stories on such killings but also takes up a stand against them. Audience perception about honour crimes is definitely shaped by news which they read and views which they hear in the media. The paper tries to look at the issue not from the angle of ‘newsworthiness’ but as a larger responsibility of the fourth estate in the country to bring such social malpractices to the limelight.

About honour killing

Cultural crimes are basically the crimes that seek to place within the context of culture or under the head of it. As we all know recently; there has been a spate of honour killings which has shocked the country. An “honour killing” is a murder committed against a woman for actual or perceived “immoral” behavior that is deemed to have breached the ‘honour code’ of a household or community. These so called ‘honour codes’ are the product of deeply rooted patriarchal social and cultural prejudices, whereby women are perceived and forced to bear all responsibility for maintaining communal honour. ‘Honour killings’ are an extreme and brutal abuse of human rights, violating the most basic of human rights, the right to life.

Honor killing, most often, the murder of a woman or girl by male family members. The killers justify their actions by claiming that the victim has brought dishonor upon the family name or prestige.

Honour killing is an act of murder by members of the family. This would be the immoral conduct of the members of the family belief in caste and gotras above one’s life. It is done to remove a family member’s dishonor and shame. The male or any member of the family kills the person who doesn’t

match their social standing. It might even be a pre-planned murder; the key reasons are caste and religion.

Even after 70 years of Independence, people still believe in the superiority of caste above life. India is a democratic country where all people have the right to equal treatment and the right to life. The UN estimates that 5,000 women and girls are murdered each year in honor killings, which are widely reported in the Middle East and South Asia, but they occur in countries as varied as Brazil, Canada, Iran, Israel, Italy, Jordan, Egypt, Sweden, Syria, Uganda, United Kingdom, the United States, and other countries. There are various motivations for honour killing like, love marriage, inter caste marriage, homosexuality, divorce, disobeying elders, arguing with elders, choice of clothes, roaming with people, staying away from home till late etc. It was also found that people have different perception of honour. Section 307: Penalises threaten to kill for up to 10 years of imprisonment, and a fine. If a person gets injured, the punishment can extend to life in prison. Section 308: Penalises attempt to commit culpable homicide by imprisonment for up to 3 years or with fine or with both. On December 8, 2004, under international and domestic pressure, Pakistan enacted a law that made honour killings punishable by a prison term of seven years, or by the death penalty in the most extreme cases. Honor killing was a part of Western legal history and tradition before being institutionalized in Muslim countries. Currently, the majority of honor killings in the world are committed in Muslim communities. Despite the fact honor crimes are not unheard of in Turkey, the brutal nature of the murder continues to make front page news. In Takshim, the fashionably upscale shopping district of Istanbul, shoppers express both shock and resignation. In Turkey, there is an average of about one honor killing per week. Nour-based violence takes many different forms. Most commonly, a girl or woman is abused, disowned by her family or forced to have an abortion. Women and girls are the most common victims of honour-based violence. However, men and boys can be victims, too. Honour based abuse is a collection of practices used to control behavior within families in order to protect perceived cultural and religious beliefs and/or honour. Violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code. In India according to Section 300 of the Indian Penal Code, 1860, murder is defined as follows: Murder. --Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or- 167 2ndly. A. Murder. The punishment for murder under India's Penal Code is life imprisonment or death and the person is also liable to a fine. Guidance on the application of the death sentence was provided by the Supreme Court of India in Jagmohan Singh v. The Manoj-Babli honour killing case was the honour killing of Indian newlyweds Manoj Banwala and Babli in June 2007 and the subsequent court case which historically convicted defendants for an honour killing. There are warning signs of honour abuse which include:

- Lengthy or repeated absence from school, decline in academic performance.
- Depression, anxiety, self-harm, substance misuse, suicidal thoughts.
- Poor attendance at work, drop in performance, failure to turn up for business trips

An honor killing or honour killing (also called a customary killing) is the murder of a member of a family or social group by other members, due to the belief of the perpetrators (and potentially the wider community) that the victim has brought dishonour upon the family or community. Honour killings are directed mostly against women and girls. The perceived dishonor is normally the result of one of the following behaviors, or the suspicion of such behaviors. dressing in a manner unacceptable to the family or community, wanting to terminate or prevent an arranged marriage or desiring to marry by own choice, engaging in heterosexual sexual acts outside marriage, or even due to a non-sexual relationship perceived as inappropriate, and engaging in homosexual acts. Women and girls are killed at a much higher rate than men. my opinion Honour killing is defined as a death that is awarded to a woman of the family for marrying against the parent's wishes, having extramarital and premarital relationships, marrying within the same gotra or outside one's caste or marrying a cousin from a different caste. Honour killing is different from the dowry deaths that are

also a very common practice in India as, in the case of dowry deaths, the perpetrators of that action claim that they have not been given enough material rewards for accepting the woman into the family. In that case there is a lot of harassment from the in-laws and more times than one, it has been noted that the wife commits suicide rather than being killed by the in-laws, though it has to be said that she has been mentally killed, if not physically. We have had a tradition of honour killing. This tradition was first viewed in its most horrible form during the Partition of the country in between the years 1947 and 1950 when many women were forcefully killed so that family honour could be preserved. There are various reasons why people or family members decide to kill the daughter in the name of preserving their family honour. The most obvious reason for this practice to continue in India, albeit, at a much faster and almost daily basis, is because of the fact that the caste system continues to be at its rigid best and also because people from the rural areas refuse to change their attitude to marriage. According to them, if any daughter dares to disobey her parents on the issue of marriage and decides to marry a man of her wishes but from another gotra or outside her caste, it would bring disrepute to the family honour and hence they decide to give the ultimate sentence, that is death, to the daughter. Now as has become the norm, the son-in-law is killed as well. Sociologists believe that the reason why honour killings continue to take place is because of the continued rigidity of the caste system. Hence the fear of losing their caste status through which they gain many benefits makes them commit this heinous crime. The other reason why honour killings are taking place is because the mentality of people has not changed and they just cannot accept that marriages can take place in the same gotra or outside one's caste. The root of the cause for the increase in the number of honour killings is because the formal governance has not been able to reach the rural areas and as a result. Thus, this practice continues though it should have been removed by now. There are various misconceptions regarding the practice of honor killing. The first misconception about honor killing is that this is a practice that is limited to the rural areas. The truth is that it is spread over such a large geographical area that we cannot isolate honor killings to rural areas only, though one has to admit that majority of the killings take place in the rural areas. But it has also been seen recently that even the metropolitan cities like Delhi and Tamil Nadu are not safe from this crime because 5 honor killings were reported from Delhi and in Tamil Nadu; a daughter and son in law were killed due to marriage into the same gotra. So it can be seen clearly that honor killing is not isolated to rural areas but also to urban areas and as already pointed out, it has a very wide geographical spread. The second misconception regarding honor killing is that it has religious roots. Even if a woman commits adultery, there have to be four male witnesses with good behavior and reputation to validate the charge. Furthermore, only the State can carry out judicial punishments, but never an individual vigilante. So, we can clearly see that there is no religious backing or religious roots for this heinous crime. The mentality of the people has to change. And when we say that the mentality has to change, we mean to say that parents should accept their children's wishes regarding marriage as it is they who have to lead a life with their life partners and if they are not satisfied with their life partner then they will lead a horrible married life which might even end in suicide. Secondly, we need to have stricter laws to tackle these kinds of killings as this is a crime which cannot be pardoned because. Humans do not have the right to write down death sentences of innocent fellow humans. There are various motivations for honour killing like, love marriage, inter caste marriage, homosexuality, divorce, disobeying elders, arguing with elders, choice of clothes, roaming with people, staying away from home till late etc. It was also found that people have different perception of honour. Honour killing is defined as the killing of a relative, especially a girl, woman and a man perceived to bring dishonour to the family. ... Honour killing is an act of murder by members of the family. This would be the immoral conduct of the members of the family belief in caste and gotras above one's life. In India, honour killings take place if a couple marries outside their caste or religion. Khap panchayats also oppose and mete out punishments to couples who marry within the same gotra (lineage) or transgress other societal norms. A recent judgement by a sessions court in Karnal for the first time awarded the death penalty to five men for

murdering a young couple who had married against the diktats of a khap panchayat. It gave life sentence to a member of the khap panchayat who declared the marriage invalid and was present when the killing took place. On June 22, the Supreme Court issued a notice to the centre and eight states to explain the steps taken to prevent honour killing. Taking a cautious approach the government rejected Law Minister, M. Veerappa Moily's proposal to amend the Indian Penal Code and rein in the khap panchayats (caste based extra constitutional bodies). It however decided to constitute a Group of Ministers to consult the states and look into the scope for enacting a special law that would treat honour killing as a social evil. Experts are divided over the proposed honour killing law. Some experts argue that the existing laws are sufficient to deter honour killing, if implemented properly while others feel that more stringent and specific provisions are required to tackle the menace of honour killings. Most involve young, single female victims and an assailant who is a male relative; however, they also include some types of intimate-partner homicides, as well as cases with male victims, victims outside the family, and female assailants. An honor killing is motivated by the desire to restore a social reputation that—in the killer's perception—has been damaged by rumors about or the victim's actual breach of conduct norms regulating female sexuality in the widest sense; the decision to use lethal violence is a collective family affair, rather than the action of an individual perpetrator. The underlying motive in all cases—irrespective of the victims' gender—is the punishment or coercion of women. Research in a number of countries with people who differ in their religious affiliations finds that premarital sexual relationships and out-of-wedlock pregnancies often are dealt with nonviolently, mostly by negotiating compensation or marriage, despite strict honor codes. Honor killings occur among Christian minorities in Arab countries, as well as among the Sikh community in India (and among their respective immigrant communities in the West). They appear to be non-existent in some Muslim-dominate countries, such as Oman, and less frequent in others, such as Algeria and Tunisia. Nonetheless, some interpretations of Islamic law, such as those that promote the lawfulness of husbands' physical violence against wives, the criminalization of pre- and extramarital sexual relationships, and the use of flogging or stoning if prosecuted as hadd (religious) crimes (which does not happen in most Muslim countries), may contribute indirectly to honor killings. Democratic political values are commonly endorsed, but public opinion remains much more conservative when it comes to gender equality and sexual liberalization, with almost no trend toward more liberal views among younger age groups. There has been a spate of honour killings which has shocked the country. Honour killing is one of the types of cultural crime present in the country. An honour killing (also called a customary killing) is the murder of a (typically female) family or clan member by one or more fellow (mostly male) family members, in which the perpetrators (and potentially the wider community) believe the victim to have brought dishonour upon the family, clan, or community.

The main reason for commitment of an 'honour killing' is belief that any member of family had brought dishonor to the family. The dishonor can be of different types for different families. The perceived dishonor is normally the result of the following behaviors, or the suspicion of such behaviors, which are dress codes unacceptable to the family/community; or wanting to terminate or prevent an arranged marriage or desiring to marry by own choice; or engaging in certain sexual acts, including those with the opposite or same sex, etc. The most obvious reason for this practice to continue in India is because of the fact that the caste system continues to be at its rigid best and also because people from the rural areas refuse to change their attitude to marriage. Also, in our country the society is mainly the patriarchal. Men are expected to enforce such norms and traditions and protect family and male honour from shame. Women are expected to conduct themselves honorably. This understanding of the notion gives legitimacy to all forms of social regulation of women's behavior and to violence committed against them.

Sections 299-304: Penalizes any person guilty of murder and culpable homicide not amounting to murder. The punishment for murder is life sentence or death and fine. The punishment for culpable homicide not amounting to murder is life imprisonment or imprisonment for upto 10 years and fine.

Section 307: Penalizes attempt to murder with imprisonment for upto 10 years and a fine. If a person is hurt, the penalty can extend to life imprisonment

Section 308: Penalizes attempt to commit culpable homicide by imprisonment for upto 3 years or with fine or with both. If it causes hurt, the person shall be imprisoned for upto 7 years or fined or both.

Section 120A and B: Penalizes any person who is a party to a criminal conspiracy.

Sections 107-116: Penalizes persons for abetment of offences including murder and culpable homicide.

Section 34 and 35: Penalizes criminal acts done by several persons in furtherance of common intention.

Section 300: introduce "fifthly" clause to Section 300 of IPC which at present defines "murder" under four categories. The additional definition would make khap-dictated honour killings a distinct offence and make all those who participate in the decision liable to be tried for the main charge, that is murder, and liable maximum penalty, death.

Making the crime of honour killing a separate offence would help bring more clarity for law enforcement agencies. One of the proposals is to amend the Indian Evidence Act to put the burden of proof on the accused. Thus, the khap panchayat or the family members would be responsible for proving their innocence. There would be joint liability under the proposed new law. Since Honour Killings /Honour crimes are not separate crime and hence we don't have any data. New law will provide mandate for special police cell in each district to provide protection to couples.

It will also mandate the different state government and the Centre to work on sensitization of the law enforcement agencies. The new law will mandate social initiatives and awareness to curb such violence through social means. Honour crimes should include all the crimes against women which are perpetrated by the community. There are many cases of women being branded witches, paraded naked, tortured in public which are very heinous offences of honour and hence need to be strengthened by a special law and to have stringent punishments. Having a special law can be deterrent. The existing penalty for the offence of murder is sufficient if they are implemented strictly and effectively. A new set of laws would not deter honour killings because the basic issue is social sanction for acts committed to curtail same gotra marriage, inter-caste marriage, inter-religion marriage.

Need for creating awareness among traditional communities through education. Holding khap panchayats collectively accountable can be detrimental to members who do not support such killing. Also, it could be misused for vindictive agendas.

According to Indian Majority Act 1875 a person who is 18 years of age is a major vide section 3 of the Act. The law deems that a major understands his / her welfare. Hence a major can go wherever he /she likes and live with anybody. India is a free, democratic, welfare country. Hence if a person is major even parents cannot interfere with that individual. Once a person becomes a major that person cannot be restrained from going anywhere and live with anyone. Individual liberty under Article 21 has the highest place in the constitution.

Normally in a country where there is rule of law, the customary laws should not be given much value over the codified laws in matters of such heinous crimes like 'honour killing'. Hence the penal actions should be imposed seriously over the perpetrator with the help of various provisions of Indian Penal Code, 1862, and Constitution of India. These measures will definitely help to reduce the spate of honour killings.

Honour killing is done for saving the honour of the family. But there is no such honour in killing any person. 'Religion 'and 'culture 'cannot and must not be invoked as excuse for the killing of women, because religion and the laws which derive from it are always subjective interpretations. No 'culture 'has the right to kill and harm women based on their perceptions of morality or honour. The freedom of belief does not mean freedom to kill. Everyone has right to life with full dignity and

equality. Hence active laws are the only antidote to such dishonorable practices.’ Honour ‘crimes in India: An assault on women’s autonomy

India needs new laws to tackle the so-called ‘honour crimes’ which attempt to control women’s sexuality.

Violence against women’s autonomy, in all matters and especially in matters of sexuality and marriage, is one of India’s most widespread and tenacious forms of gender violence – and also the least recognised. It is a form of violence that hides in plain sight. Violence (against men and women both) to prevent a woman from exercising her choice in love and marriage is not properly documented since India does not have a specific law against “honour” crimes. To spot such violence and confront it, you need to look beneath the surface and read between the lines of available documentation. 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.

Thousands of young people in India have been done to death every year owing to honour killings linked to forced marriages and the country needs to introduce stringent legislation to deal firmly with the heinous crime. In Haryana, Rajasthan and Delhi region, an estimated hundred young men and women are killed on the orders of so-called “khap panchayat”.

In other words “Honour killing” is a somewhat misleading term for a ritualistic form of murder precipitated by the aggressors perceived loss of honour the perpetrators are generally male and their victims ‘females. Honour killing has been defined as patterns of conduct cutting across Communities, cultures, religions and nations and manifested in a range of forms of violence directed in the majority of cases, against women including murder (Honour Killing) and forced marriages, Honour Killing is considered to be a crime that threatens the unity and harmony of the community and it acts as a brief preventing women from progressing in their lives. Honour Killing and punishment have been documented over centuries among a wide variety of ethnic and religious groups throughout the world.

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