



A UNIT OF
LAW LABORATORY

AUGUST 2021

Law Laboratory

Research Journal of Law & Socio Economic Issues

ISSN:

VOLUME 1 | ISSUE 1

WWW.LAWLABJOURNAL.IN



HONOR KILLING

- Meenal Maheshwari¹

ABSTRACT

The Indian Society is a desegregated and conventional society. There are different types of classes, creeds and categories. Everyone thinks that their class is the best overall, and everyone in this class must follow this particular custom in their own life. Customs and traditions, women are regarded as bearers of family honor. This concept is so deep-rooted that any attempt by a woman to violate her rights is regarded as an attack on the cultural norms of the community, and is strongly opposed by the entire society, and these opposition activities are led to honorary killings by her family members with honor. Indeed, honor-based viciousness and constrained marriage cases are generally identified with savagery submitted by older male family members. In any case, the culprits can likewise be women and spouses. At the point when women are the culprits, men frequently abstain from revealing because of a paranoid fear of being criticized or embarrassed. Since India does not have a specific law against "Honor" crimes, violence (against men and women) is not properly recorded to prevent women from exercising their right of choice in love and marriage. Under the costume of saving the "honor" of the community, caste or family, such incidents often occur because the state government is unwilling to take action. Violent acts include publicly lynching the couple, murdering the man or woman involved, committing suicide in the murder, public beating, humiliation, darkening of the face, forcing the couple or their family members to eat excrement or drinking urine, forced imprisonment, social boycotts and fines².

INTRODUCTION

Human Rights Watch defines "honor killing"³ as "violent acts committed by male family members against female family members, usually murders. They are seen as romantically involved in or choosing to marry men outside of their caste, class or gender, Bring shame to the family. Religion." "Honor killings" or Horror killings-they can be called by any name, they are just one of many evils

¹ 4th Year, B.A. LL.B., UPES, Dehradun

² Urmila Bhardwaj, *Nothing Honorable in Honor Killing*, Legal Services India.

³ Vipin Singhal, *Honor Killing in India: An Assessment*, SSRN, Mar 9, 2014.

that stem from evil traditions and rely on the blood of innocent people to survive. The mentality, for centuries, due to the establishment of the feudal system and patriarchy, changing the way people think is more difficult than the most difficult thing in the world. A law may ban the Khap Panchayats, or at best make "Honor of murder" a crime not bailable and punishable by the death penalty. However, "honor killings" will continue to prevail until we convince people, whether they are illiterate rural residents or well-educated urban residents, what they do is criminal and immoral. The killing of reputation is an extreme form of gender-based domestic violence. Its characteristics are related to the social and cultural traditions of tribes and patriarchal society. The purpose of the murder is to restore the family's collective reputation. This goal is compromised by the victim's violation of strict norms governing female sexuality. The assailant regards it as a legal punishment, usually tolerated and subject to the local community. National tolerance. Mechanism. Model homicide refers to the murder of a young woman by her male relatives, but the definition of crime often includes intimate partner homicide, as do male victims. Involving consensual couples who had committed rape before their parents (usually women) filed a rape case. This astonishing fact means that statistics on rape cases are actually covering up other things: coercion of women's sexual autonomy and domestic violence. This understatement confuses the "relationship of women's free choice" with "rape" and makes the authorities-police, women's hotels, factory managers-continue to relax restrictions on women's freedom, which is necessary for "safety from rape" of⁴. Strict curfews, prohibition of cell phone use, punishment for being caught talking with men, dress code prohibiting "improper" or "Western" clothes, and telling women's parents whether they find themselves friendly with men-these are just some of them⁵. The "safety" rules imposed on women in educational institutions and workplaces help maintain an ecosystem where "Honor" crimes occur. The term "honor" crime is misleading to some extent, not only because it implies that such crimes are "honor." It also gives the impression that these crimes are the products of "cultural" customs and traditions that are unique to a particular community or belief. Simply linking such crimes with rigid traditions and certain communities cannot recognize the fact that these crimes are extremely common in various regions and communities in India. Slavery was abolished in the United States in 1865, and it took Americans more than 150 years to change their minds and elect a black president. Racial discrimination cases are still being reported. Back home, 60 years after the inaccessibility was abolished, the disease still exists. Despite strict laws and

⁴ Anand Mishra, Honor Killings: The Law It Is and The Law It Ought to Be, Manupatra.

⁵ Ishant Bhardwaj, Honor Killing in India, Legal Service India

Dalits holding important positions in the government, Dalit suppression continues. The abuse of the SC/ST atrocity prevention law is also common, but research shows that atrocities against Dalits have increased-women are raped and run naked, men are beaten and killed, houses are burned, children are denied education. Everything is to break the epochal character imposed by the blasphemous order.

The "Dowry Prohibition Act" was passed in 1961⁶, but evil is still part of our social customs. It is argued that the anti-dowry law is the most abused law, but even today, it is true that women are dying or killed because of the dowry. The dowry is part of more than 95% of marriages today, which is an open secret. Dowry is illegal, but people do not think it is immoral. We modify the dowry and dowry in a way that is regarded as a status symbol. With the promotion from law enforcement to legislator (salesman/police officer, inspector, IPS, IAS, MBA, MP), the cost of the groom has increased.

Dowry is also one of the main factors behind corruption in the government system. After globalization, as the supply of products on the market increases, our desire and greed also increase. As a result, the number of dowries has also increased. Now, a groom with an annual salary of 15,000 rupees needs a car instead of a motorcycle. Those who cannot turn to women to kill or give up girls. In addition, despite laws prohibiting child marriage, girls in India marry at the legal age under 18, leading to high maternal and new-born mortality. One of the main reasons for parents to marry their daughters in rural areas (usually a mismatch) is dowry.

In addition, the Domestic Violence Act was proposed to protect women in the family from physical and psychological violence, but it did not have any impact. More than half of the female population does not report domestic violence, but there are still hundreds of domestic violence cases registered in the courts. PCPNDT ACT⁷ prohibits female killings, but every year more than one million girls are killed before giving birth. The law can neither deter people nor restrict doctors from indulging in heinous crimes. Today, in states such as Haryana, Punjab, and Uttar Pradesh, the killing of female infants has become a multi-industry industry, and the sex ratio of children has declined in many places. The law believes that many things that are illegal are considered morally correct in society. Whether it is rural or urban population, the education system has failed to inculcate moral values. "Honor of killing" also has a gender perspective. Most homicides are committed by the

⁶ THE DOWRY PROHIBITION ACT, 1961, (Act No. 28 of 1961)

⁷ Anita Bhaktwani, *The PC-PNDT act in a nutshell*, Indian Journal of Radiology and Imaging, 2012

girl's family, while the boy's family is reconciled with "ladka hai sub chalta hai", and the girl bears the burden of family honor. If she elopes, her family is marked as lacking "samskars" and therefore not suitable for "roti aur beti ka rishta". For a girl's family, killing is necessary for salvation. In addition to killing, thousands maybe hundreds of thousands of girls were forced to go against their will. The marriage column shows that most families, even those with higher education, prefer same-kind marriages. Young people have no freedom of choice.

WHAT IS HONOR KILLING?

Honorary killing refers to a person who chooses a married life according to his own wishes, whether it is a male or a female. Considering the honor of the family, the highest authority of the family focuses on the reputation and status of the family, but forgets the love and affection for family members. There is neither any statutory definition of Honor killing nor any other precise definition of Honor killing. It can be said that this is generally accepted. However, the most common meaning is: "Murder and forced suicide in the name of imposing certain moral values are considered intolerable illegal acts and Honor killings." Honorary homicide (also known as habitual homicide) is the murder of a family or clan member by one or more sibling family members, and the murderer believes that the victim has humiliated the family, clan, or community. In order to maintain the purity of honor or restore family honor, murder is a barbaric custom in the hands of men as family members (including fathers, brothers and even husbands), with the purpose of murdering women for immoral activities. These things happen because of certain social incentives. For example, if the husband is a lower class in society, then it will eventually lower the status of the family and thus induce male members of the family to kill girls. They should remember that a girl's life is not only a caste, but the caste is not more important than love and care for the child. Therefore, if anyone violates the rule of law, they cannot let them go⁸.

Honor crime is an outdated crime, although it has modern and advanced thinking, it still occupies a place in today's society. Honor killing is the most serious form of Honor crime. Its statistical data is different and it is common in almost all societies in the world. The laws of some countries completely prohibit Honor killing, which is considered one of the heinous crimes. As far as India is concerned, it does not have appropriate and accurate laws to deal with such crimes. Therefore, the Indian legal system has developed a gap⁹.

⁸ Tanya D'Lima, Jennifer L. Solotaroff, Rohini Prabha Pande, *For the Sake of Family and Tradition: Honor Killings in India and Pakistan*, SAGE Journals, April 30, 2020.

⁹ Samih Eloubeidi, *Honor Killing: The Case of Israa Ghrayeb*, UAB Institute for Human Rights Blog, Feb 21, 2020.
© 2021 Law Laboratory Research Journal of Law & Socio Economic Issues

Women are considered the property of men relatives are considered to embody the honor of the man they "belong to". The body of a woman is regarded as a treasure trove of family honor. the concept of in the "honor" culture, male status and family status are particularly important murders occur and women are considered responsible for maintaining family responsibilities "Honor". If a woman or girl is accused or suspected of engaging in behavior that may undermine the status of men and/or family, she may suffer cruel retaliation from relatives to the extent that it usually results in violent death. Even if such allegations are not based on facts or tangible evidence, accusations of dishonesty against women are usually sufficient to meet the needs of the family members take matters into their own hands. The perceived shame is usually the result of the following behavior, or the suspicion of such behavior¹⁰:

- ✓ One kind. Dress in a way that is unacceptable to the community.
- ✓ Want to terminate or prevent an arranged marriage or want to get married in the following ways choose yourself, and
- ✓ Engage in certain sexual acts, including heterosexual or sexual acts¹¹

REASONS FOR HONOR KILLING

The main reason for making "Honor killing" is to believe that any family member brings shame to the family. Shame can have different types for different families. Perceived dishonesty is usually the following behaviors or suspicion of such behavior's, which are unacceptable dress codes in the family/community; or wishing to terminate or prevent arranged marriages or wishing to choose their own marriage; or engaging in certain sexual acts, Including heterosexual or same-sex behavior's. The most obvious reason for continuing this custom in India is that the caste system continues to be in its strictest state, and people in rural areas refuse to change their attitudes towards marriage. Also in our country, society is mainly patriarchal. Men are expected to implement these codes and traditions to protect the family and male Honor from shame. Hope that women behave honorably. This understanding of the concept makes the various forms of social regulation of women's behavior and violence against women legal¹².

Men and women who violated caste chastity codes were hunted down, hunted down, beaten, ostracized, forced to remarry, and brutally killed. Over the years, various reports and studies have

¹⁰ Seied Beniamin Hosseini, *Study on Honor Killing as a Crime in India-Cause and Solutions*, ResearchGate, Jan 2015.

¹¹ Navratan Singh Fateh, *HONOR KILLING*, Tspace, 2012.

¹² Kavita Krishnan, '*Honor*' Crimes in India: An assault on Women's Autonomy, ALJAZEERA, Mar 14, 2018.

pointed out that due to caste and kinship, how local police agencies can supplement or obey the Panchayat chiefs; in this case, it is not difficult to realize a patriarchal dystopia. One of the definitions of Honor killing is the killing of a member of a family or society by other members. This is because people believe that the victim brings shame to the family or community. The ultimate line of patriarchal pride, or the misconception of patriarchal pride, is to impose punishment. Criminals usually publicly admit or admit the crime of killing with Honor, regardless of whether they worry about the law or not, and take some kind of provincial, primitive "prudence" as their actions.

The cruelty and indescribable horror that couples have to sacrifice their lives, or are often hunted down for falling in love outside the caste, are associated with a culture of indifference, in which this kind of violence is based on crimes. The narrative of fault is normalized: the punishment that lovers should be punished. In the absence of strong political will to stop this situation, despite the landmark ruling made by the court, the idea of murder with honor continues to flourish in a quiet narrative, in which love and sex has become taboo, and rape culture is widespread¹³.

This practice continues in India because the caste system has been at its best, and because people in rural areas refuse to change their attitudes towards marriage. Also in our country, society is mainly patriarchal. Men are expected to implement these codes and traditions to protect the family and male Honor from shame. Hope that women behave honorably. This understanding of the concept makes the various forms of social regulation of women's behavior and violence against women legal.

The religiosities¹⁴ of women's laws, such as Indian personal law, Muslim personal law, Christian personal law, etc. Women are forced to consider all aspects of their lives from the perspective of their "honor." This quality is considered to reflect both their entire social value and their social value. And the reputation of male family members. The reputation of men depends on the "honor" of women. Women's "honor" is passive in nature and will despise subordination, humility and patience, while men's "honor" is active and dynamic, mainly focusing on characteristics such as self-confidence, dominance, and social status. Once a female honor is lost due to any behavior that is considered dishonest in her society, it cannot be restored. Other members of her family may be under pressure to take violent actions, which will restore their status in society

¹³ Ayush Verma, Honor Killings in India and need for urgent reforms and new laws, Ipleaders, Jan 4, 2021.

¹⁴ Kenneth Lasson, Bloodstains on a "Code of Honor": The Murderous Marginalization of Women in the Islamic World, ScholarWork, 2009.

One of the very big reason for Honor Killing is Inter- Caste Marriages, there are various rules and practices and the degree of prohibition marriage relationships observed in ¹⁵different parts of India. This is specially marked in the north-south dividing line. Customary marriage rules in most areas northern India insists on the internal marriage system of the caste system, and adopts gotra rule or obtains the external marriage system. Most caste groups, up and down, follow three or four to get extra married. Not alone be allowed to marry oneself gotra or their mother's gotra, and not be allowed to marry the person who has same gotra like the mother or father's mother is also usually not with the mother's mother. The last one is not universal and the restrictions are clearly declining. In fact, gotra rules prohibit marriage together with the first cousin of the parallel or cross variant. Under certain circumstances, extend the principle of gotra's external marriage by clustering several other gotras within the same village becomes an alien group. It's forbidden to marry among these people of same gotras is restricted.

There is a territorial rule when extending the principle of "kinship exogamy" territorial exogamy. Most caste groups (such as Jats) expressly prohibit the same village, and every village that has a border with the village of birth, or among them. The other clans in a village are well represented. The combined effect of these rules out-of-marriage is, in addition to the three or four mentioned above, a large part of a certain amount of glass must be placed outside the scope of marriage. Residents of certain villages cannot get married in a large number of villages, especially neighboring villages or a village belonging to the Khap region (a region controlled or controlled by the clan). In all these villages, the dominant gotra traditions and customs are followed by everyone gotras¹⁶.

If the ruler adheres to the tradition of avoiding specific purposes regarding marriage, all other places in these villages will also follow this avoidance pattern. This is including rural extramarital (its local concept is equivalent to blood relationship observed in almost all caste groups) large-scale hetero-married families bring considerable complexity to the marriage ban. Culturally speaking, the principle of rural extra marriage means that everyone and women of the same tribe, the same local tribe and the same village are subject to the morality of brothers and sisters, therefore prohibiting sex and marriage between the members of any of these units¹⁷.

¹⁵ R. PREETHI & DR.A. SREELATHA, *HONOR KILLING IN INDIA*, International Journal of Pure and Applied Mathematics, 2018

¹⁶ Ashish Tripathi, 'Honor Killing': Kill the Mindset, The Times of India, July 8, 2010.

¹⁷ Dunkin Jalki, Are There Caste Atrocities in India? What the Data Can and Cannot Tell Us, ResearchGate, June 2017.

This expands to involve more Karp regions more than one village and more than one place. It's worth noting that, like bhai (brother) and the Behan (sisters) in the village are even used for people who are not related to each other. They go beyond the bounds of biological relatives and encompass all males or females in the village it belongs to its own generation and cannot bear the caste relationship. Important one is the meaning of the word bhai is to entrust Behan's care and protection to him. He was to defend her honor, not to destroy her. These bans caused bhaichara (Brotherhood) establish equality among all people and deny all hierarchies. This is idealized biradari (community)-village and caste- complete Aika (unified). Obviously, the most sacred cultural concepts such as Aika, Izzat, biradari and bhaichara depends on maintaining the traditional marriage prohibition.

Usually, biradari uses traditional panchayat or more precisely a series traditional panchayat resolves various disputes between castes and castes matters, infringements and property rights, inheritance and dispute issues threatening the peace of the village or nearby areas. Marital problems sexual affairs account for a large proportion of such disputes, and in this field, panchayat often intervenes to impose "justice" according to his wish's definition. Although little is known about the work of Indian traditional Panchayat in modern times, they are still an active force in the rural areas of northern India¹⁸.

In the case of the disputed marriage is the so-called biladari caste panchayat solve the problem. Recent cases show that the caste panchayat is often used, there is no legality in the law, trying to change interpersonal relationships and impose one of them incorporate the wishes of the individual/family into the wishes of the village/collective according to their own preferences prioritize the village and biradari's ikat over the individual.

The continuous harshness of the caste system encourages them to commit this heinous crime. They benefited from the fear of losing caste privileges. People's perception of marriage outside of similar places and communities is unacceptable. Society deprived the right of freedom of choice from marriage. The fundamental reason for the lack of structured legislation is that structured governance has not entered the rural areas. In Khap Panchayat, there is no formal institution as Panchayat Samiti or a legal assembly, leading to the ruthless management of illegal and unconstitutional Panchayat. Due to the large difference in the sex ratio, Honor killings occurred in

¹⁸ Manisha Gupte, The Role of 'Honor' in Violence against South Asian Women in the United States, Manavi Occasional Paper, 2015.

areas where the sex ratio was low and girls were bought to get married, which led to an increase in the difference in the sex ratio. Illiteracy and the lack of protection of freedom and constitutional rights to protect them from exploitation are the main reasons for the increase in crime. The risk of losing reputation and respect in society is another reason for members to participate in the Honor killings, not the status earned by the position. The characteristic of Honor killing is that criminals will not suffer disadvantageous stigma in their communities because their actions are considered legitimate¹⁹.

The killing is to restore the honor and respect that the family lost because of falling in love with people of different castes. In India, several crimes such as Sati customs are completely forbidden, but here we have the number of honorary homicides, and both of these crimes are achieved through triggers.

Dress in a manner or manner deemed appropriate inappropriate and unacceptable in the family; or community. Want to terminate or refuse entry arranged marriage or wish to marry yourself choice; refusal to arrange marriage is usually the reason for the Honor killing. Family, have prearranged marriage, if the marriage will not proceed. Seeking a divorce: a woman trying to get a divorce or separate without my consent husband. Big family can also trigger

Honor killing. In the culture where marriage exists arrangement and frequent exchange of goods family, women often want to divorce seen as an insult to the negotiator transaction. By informing them of their marital problems outside the home, women are seen as exposed family public humiliation.

Become a victim of rape: In many cultures, rape victims face severe violence, including recognize the killings of his family and relatives. In women in many parts of the world being raped is seen as bringing "stigma" or "Shame on their families". This especially if the victim is pregnant. Central in many societies, the code of honor is the virgin of a woman must be kept until marriage. "A woman's the virgin is the property of the men around her, first of all her father, later a gift to her husband; virtual dowry after graduation²⁰.

Allegations and rumors about family members, certain cultures: Any kind of allegation on that woman are enough to damage the reputation of his family, and trigger honor killing, fear of the

¹⁹ Jafri, A. H, Honor killing: Dilemma, ritual, understanding. UK: Oxford UP, 2008.

²⁰ Pratiksha Baxi, Shirin M Rai & Shaheen Sardar Ali, *Legacies of common law: 'crimes of Honor' in India and Pakistan*, Taylor & Francis Online, Jan 24, 2007

whole family the number of people ostracized by the community is huge. Engage in heterosexual behavior outside of marriage, or considered even because of non-sexual relationships their family does not approve.

There are different types of honor killings, murder alone is not a form of Honor crime; this methods of killing reputation include stoning, stabbing, beating, burning, beheading, hanging, throat drastically cut, deadly acid attack, shooting and strangulation and forced suicide are used as alternatives.

CONCLUSION

The Indian Society is a multicultural, traditional society. There are different types of classes, classes, creeds and departments. Everyone thinks that his class is the best overall, and everyone in this class should follow his own in his life. Customs and traditions, women are regarded as bearers of family honor. In the culture and traditions of many regions, history has witnessed honor killings and the control of women. Homicide is the most inhumane and irrational crime. The real honor is to protect family members and maintain an open and open mind in the attitude towards life, rather than being strict with thoughts and attitudes. There is nothing against the customary conviction frameworks that exist in India. In a country like India, government is responsible for such crimes by not bringing in laws in particular for Honor crimes, and also the society is equally responsible because when not intervening when such Honor crimes happen it is equal to normalizing or encouraging such heinous crimes. Honor crimes are those which just cannot be eliminated by the government with help of laws, but it is also important that socially, economically and culturally such crimes should refine this heinous crime, only when these go hand in hand the motive eliminate Honor crimes will be done successfully.