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HONOR KILLING: A DARK VERGE OF INDIA

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ABSTRACT

Honor killing and the term “IZZAT” meaning “personal dignity or honor” are interlinked with each other. Izzat is the first priority in some parts of India and is valued above all other things. In order to protect such honor, the families or the communities killed their loved ones. This practice of killing their beloved ones in name of honor is “honor killing”. It has become a serious issue basically in the North Indian parts where parents kill their girl child if she marries against their own caste in order to sustain their prestige and follows the societal norms in their society. Most importantly such honor killing cases is still prevalent in India in this 21st Century, which is shameful. People are advancing in technology that improves their quality of life but their thoughts and beliefs are still narrow. This article aims to comprehend the concept of honor killing, the main factors which lead to such killings, various kinds, the origin of honor killing, and the law in India to punish wrongdoers. This article also intends to know the role of the Indian judiciary in terms of Honor killing; This article also analyses the data of honor killings provided in the National Crime Reports Bureau (NCRB) data from 2017-2021. This article also tries to find the answer to the question of whether the law in India is sufficient to punish the criminals of honor killings or whether the legislature needs to enact a comprehensive and strict law to penalize such criminals of Honor Killing.

Keywords: Honor Killing, Indian Judiciary, Legislations

INTRODUCTION

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“The human rights of a daughter, brother, sister or son are not mortgaged to the so-called or so-understood honor of the family or clan or the collective. The act of honor killing puts the rule of law in a catastrophic crisis.”³

Honor killing and the term “IZZAT” is interconnected with each other. Killing of a person who chooses his or her life partner by his or her own choice against their caste is termed as honor killing. The supreme authority of the family thinking about the prestige of their family and the status of the family in society kills the person to save their IZZAT and forgets the love and affection towards the member of the family. Society triggers to happen such kinds of incidents. Basically, people living in rural areas of Northern parts of India commit the crime of Honor Killing. It is believed that girl are the honor of the family and if they choose their own partner then it goes against the honor of the family, so they kill the girl for the sake of the honor of the family. The victim of the honor killing violates the norms and obligations of the family as well as society.

Honor killing is a serious offense that can be categorized as homicides and murder which are heinous in nature under the Indian Penal Code. As there is no such separate legislation that specific.

ORIGIN OF HONOR KILLING

Since ancient Roman time honor killing has been known, where the head of the family (male person) kills the girl child if she does any activity which is against society, or she may be sexually active before marriage, or maybe the wife who has been involved in adultery. In the medieval period, honor killing mostly prevailed in Europe here Jewish used to kill the person by toning the adulterous wife and her partner.

In India honor killing has had its origin since the ancient ages, people commit homicide against their family members and later they called this kind of murder is done to protect the family from honor. It is mainly a gender-based crime in a patriarchal society like India. A huge number of cases used to be seen where women (daughter, daughter-in-law, wife) are killed due to adultery or pre-marital issues.

MEANING

³*Shakti Vahini vs Union of India*, Writ Petition (Civil) No.231 of 2010

The word itself speaks that killing of person for the sake of honor. Societal norms forced people to commit such kinds of crimes. Honor killing has not been defined under the Indian Penal Code, of 1860. Killing a woman for the sake of honor may be termed as Honor killing, here a number of women are being killed in India who tries to choose their own life partner against the will of their parents. It has been found that in some cases husband kills their wife if she is found of Adultery or if she had any pre-marital relationship. Honor killing is a violation of fundamental rights as well as a violation of human rights.

The English conception of “natural honor” was defined as:

The good opinion of others founded in the assumption that the person honored by the good opinion was morally worthy of such esteem and respect. It was distinguished from acquired honor by the fact that, whereas acquired honor had positively to be earned, natural honor was established negatively: it was simply one’s due if one had not failed in any principal virtue (particularly courage).⁴

REASONS BEHIND HONOR KILLING

There are many reasons for committing such heinous nature of crime. Our society is still under the dominance of beliefs that killing family members can protect the honor of their family. A few main reasons for the occurrence of such crimes are as given below: -

1. It is believed by the socialists that the reason behind practicing honor killing is the rigidity of the caste system, it triggers people to commit crimes and forgets the love and affection toward the family member.
2. Mentality of people is one of the main reasons for committing such crimes. Society finds it difficult to accept a marriage that takes place between different castes, gotra, and religions. Till date, they are not comfortable with love marriages rather they believe in arrange marriages where parents choose life partners for their children.
3. Illiteracy among people leads to such kind of disbelief, people living in rural areas mostly have low literacy rates and are backward compared to urban areas, therefore they still believe that committing such a heinous crime can protect the honor of the family. Honor killing violates Articles 14,15 19,21, and 39(f) of the Indian Constitution and unfortunately even today there is

⁴ Jeremy Horder, *Provocation and Responsibility* 26 (1992)

no legal definition provided under the codes. It violates human rights and therefore it is against UDHR and ICCPR.

4. Lack of governance is likely to be the main cause of it because rural areas are lacking behind and not able to reach them.
5. Prestige of the caste plays a great role in this type of crime; honor killing is not only a problem for higher caste people but it also prevails among lower caste people too.

CASES OF HONOR KILLING IN NORTHERN INDIA

Thousands of cases have been associated with honor killing in India over the past decade, even for a second they never think of the member they kill of their own family; indeed, they are proud of protecting the honor of the family from society.

Below are some of the cases that occurred in the northern parts of India:

1. In the year 2014, in Haryana, an 18 years old daughter was killed by her father when she was found with her lover. The girl was named Sarita Devi and the boy was Dinesh Kumar, later father and grandfather was arrested for the murder. This was in the district of Sonapat located in Haryana.
2. In the year 2014, in a village located in the district of Rohtak, Haryana, where a lady aged about 32 years old, was killed by her brother when she was found with a relative in an illicit relationship. The lady was married and had 2 children, later she fell in love with her husband's relative and decided to live with the person. The charges were framed against her brother for murder.
3. In the Year 2015, a boy from New Delhi was beaten and killed when he was found in a relationship with a minor girl who was 16 years old. The relatives of the girl killed the boy in an isolated place in Sahibabad. Later all the accused were arrested and charged with murder.
4. In the month of June 2012, Deepti Chhikarra who was a teacher at MCD school was killed by her mother named Baramati, brother (Mohit), and uncle because Deepti wanted to marry a boy who was against their caste (Lalit Vats), her body was dumped in Uttarakhand by her uncle, mother and brother.
5. Supreme Court headed by Justice Markandey Katju in the case of *Lata Singh Vs State of Uttar Pradesh and others*⁵ had said, "Honour killings are nothing but barbaric cold-blooded murder

⁵ 2006 (5) SCC 475

and no honour is involved in such killings." The Supreme Court while dropping all criminal proceedings against Singh's husband and her in-laws had gone to the extent of observing that "inter-caste and inter-religious marriages should be encouraged to strengthen the social fabric of society."⁶

6. Supreme Court in the verdict of Khap Panchayat held that it is not legal to interfere in a marriage between two consenting adults and should not punish them. Khap Panchayat is a community-based group mostly found in Northern India.
7. Recently on 7th Nov 2022, in Uttar Pradesh it was found that a man aged about 25 years old kill her minor daughter (16 years) and her boyfriend (24 years) by slitting their throats under the Kamalganj police station of Farrukhand. Later he threw away both the bodies in the drain. The accused was named as Neetu Kumar, he himself surrendered after committing the crime by holding a knife at the police station.

CONSTITUTIONAL PROVISION

Our Indian Constitution has provided an ample number of provisions to exercise an individual to be independent of his or her own choice of caste, religion, and gender. It also provides protection against human rights. Honor killing is mostly done against a female member of the family rather than a male member, it shows that there is no right to equality; it constitutes a gender violation.

Article 14 enumerate the Right to equality provided in our constitution to every Indian Citizen as well as Foreigners. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 15 enumerates the Right to prohibition provided that no one shall be discriminated against based on caste sex religion or place of birth, however, discrimination on other grounds doesn't come under Article 15.

Article 19 and 21 provided in Indian Constitution speaks about the right to freedom and personal liberty. Honor killing infringes on the right of both people. Every person has the right to choose their own partner according to their own likes and dislikes. No one has the right to take away someone's right to freedom and personal liberty.

⁶ Vishwanath, Jyothi and Palakonda, C. Srinivas. 2011. "Patriarchal Ideology of Honour and Honour Crimes in India". International Journal of Criminal Justice Science. 6(1&2): 386-395

LAWS AND POLICIES WITH RESPECT TO HONOR KILLING IN INDIA

Our Indian Judiciary has no such specific law for honour killing. But if we see at our Indian constitution, the articles themselves provide us protection against honour killing. The offense of honour killing is punishable under the Indian Penal Code of 1860.

Section 299-304: any person who commits a crime under this section or who is guilty of murder or culpable homicide amounting to murder is penalized for life imprisonment or death.

Section 307: Provided that punishment threatens to kill up to 10 years of imprisonment and fine, but if the victim is injured then the punishment can extend to life imprisonment.

Section 308: Punishment for committing culpable homicide is provided under this section. A person guilty of culpable homicide may be punished with imprisonment for up to 3 years, with a fine, or with both. If any injury is caused then the imprisonment may extend up to 7 years.

Section 120A- and 120B: This section deals with criminal conspiracy.

Section 107-116: This section provides punishment for the abetment of murders; it also includes culpable homicide and murder.

Sections 34 and 35: These two sections deal with persons who are involved in several criminal acts having a common intention.

To make our Indian Judiciary more powerful, an amendment is necessary for honour killing in our Indian Penal Code. A definition for murder, culpable homicide, and honour killing should be added so as to take proper action against honour killing. It will help to differentiate the crime between them and Judges will feel easier to judge the matters related to honour killing properly.

An honour killing can also be said as a violation of women's right to live, right to move freely, and right to equality provided under the Indian constitution.

ANALYSIS OF HONOUR KILLING DATA

Motives of Murder (States/UTs) (2017-2021)	
Total Honour Killing Motives of Murder	
Year	Honour Killing
2021	33
2020	25

2019	24
2018	30
2017	92

Source: NCRB Report⁷

As per NCRB 2021 report States, Jharkhand (8), Punjab (8), Madhya Pradesh (6) and Haryana (4) have the highest cases and Uttar Pradesh (2), Andhra Pradesh (1), Goa (1), Karnataka (1) and Meghalaya (1) have the lowest cases of honor killing Murders in 2021. In Union Territories (UTs), Jammu Kashmir is the only state with 1 case of honor killing Murder. The remaining states/UTs have no case of honor killing Murder.

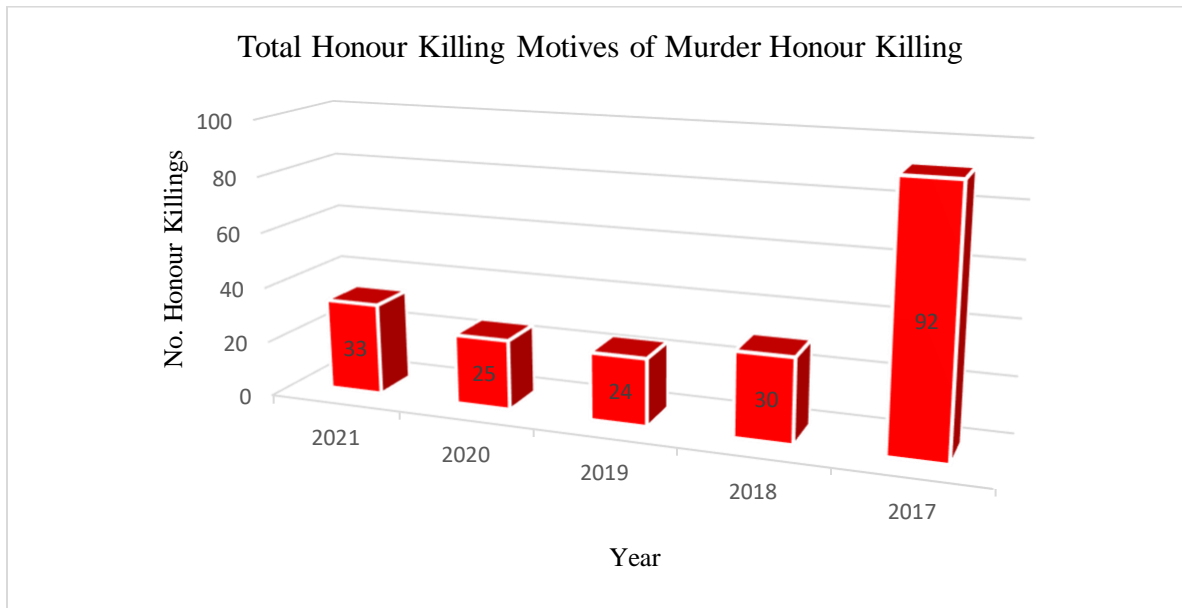
As per NCRB 2020 report in States, Jharkhand (4), Haryana (4), Punjab (4), and Madhya Pradesh (3) have the highest cases, and Andhra Pradesh (2), Bihar (2), Telangana (2), Chhattisgarh (1) and Kerala (1) of honor killing Murders in 2020. In UTs, 1 case of honor killing Murder occurred in Jammu Kashmir and D&N Haveli and Daman & Diu. The remaining states/UTs have no case of honor killing Murder.

As per NCRB 2019 report in States, Punjab (6), Gujarat (5), Haryana (3), and Uttarakhand (3) have the highest cases and Rajasthan (2), Andhra Pradesh (1), Arunachal Pradesh (1), Madhya Pradesh (1) Jammu & Kashmir (1) and Tamil Nadu (1) have the lowest cases of honor killing Murder in 2019. The remaining states/UTs have no case of honor killing Murder.

As per NCRB 2018 report in States, Jharkhand (9), Himachal Pradesh (6), Maharashtra (3), and Punjab (3) have the highest cases and Jammu & Kashmir (2), Assam, (1), Gujarat (1), Kerala (1), Odisha (1), Rajasthan (1) and Tamil Nadu (1) have the lowest cases of honor killing Murder in 2018. In UTs, 1 case of honor killing Murder occurred in Delhi. The remaining states/UTs have no case of honor killing Murder.

As per NCRB 2017 report in States, Jharkhand (41), Maharashtra (16), Uttar Pradesh (14), Gujarat (3), Haryana (3) and Himachal Pradesh (3) have the highest cases and Arunachal Pradesh (2), Kerala (2), Punjab (2), Tamil Nadu (2), Andhra Pradesh (1), Mizoram (1) and Rajasthan (1) have the lowest cases of honor killing Murder in 2018. In UTs, 1 case of honor killing Murder occurred in Daman & Diu. The remaining states/UTs have no case of honor killing Murder.

⁷ National Crime Records Bureau, *Crime in India*, NCRB, Government of India, Ministry of Home Affairs, (Nov. 14, 2022, 4: 41 PM), <https://ncrb.gov.in/en/crime-in-india>



Observations:

The highest numbers of honor killings have been taken place in 2017. From 2018-2021, the number of honor killings number is almost the same. The number of honor killings is not decreasing. Among all the States/UTs from 2017-2021, Jharkhand (62), Punjab (23), and Maharashtra (19) have the highest) have number of such killings due to inter-caste and inter-religious relationships. The families are a bigot and hostile towards the love affairs and marriages of their daughters with another caste or religious person. They regarded such incidents as against their dignity and social dishonor that can be earned again in society only by slaughtering the couple. They still carry the traditional patriarchal viewpoints.

CONCLUSION

As stated above, honor killing occurs basically on female members of the family where the superior member kills the female member if found in any illicit relationship against their caste or gotra. Since there is no proper law provided for honor killing so people are not afraid to commit such crimes. People living in the rural areas of northern India should provide proper education which will help them to upgrade themselves. It is ironic that the perpetrators of honor killing are the person who plays an important role in protecting the victim from all harm. Most people are clueless about their rights and obligations in rural areas, so legal aid camping should be done to make them know of their own rights.

In a country like India where rule of law prevails, customary law need not be given priority over the codified law to commit a such heinous crime in society. Everyone has the right to choose their own partner as per their likes and dislikes, parents should become little upgrade and try to ignore the castism prevailing in the society. This type of crime cannot protect anyone's honor of the family indeed they push the family into a dark path. Even our constitution has also provided us the right to freedom and personal liberty citizens along with the right to equality and equal protection of the law.

Our Indian judicial system should amend some laws to protect this kind of heinous crime prevailing till date from the ancient era in our society. I would like to conclude the article by referring to the landmark case of *Shakti Vahini v. Union of India*, 2018, which was one of the landmark cases and judgment was given by Justice Dipak Misra by stating a proverb, "Liberty, taking the word in its practical sense means the right to choose. Feudal thinking must melt into darkness paving the smooth road to liberty. The right of enjoyment of freedom must be continually and zealously guarded, so that it may flourish with strength and glory. The stringent action and reforms were taken by the Rajasthan government by passing a recent bill on The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019.