

## **KHAP PANCHAYATS OR HONOUR KILLING: A CURSE**

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### **Abstract**

Honour killing is a very heinous crime in the society. Indian society has suffered from the very beginning by honour killing. It is very old and started in fourteen century by the upper caste for the consolation of their powers and position in the society. Khap panchayat also known as customary killing, honour killing and as domestic public violence. Khap panchayat has destroyed many innocent lives and given most heinous verdicts. In Indian society honour killing is a big issue of today's scenario. There are many cases which are deals with the honour killing. Women are not secure because of the society vision. People think that girls incompetent and incapable to take any decisions for their life, for example, marrying decision. According to their family, marrying outside one's own caste bring dishonour to the society. To kill any person on the name of honour or values is heinous crime. It is an illegal act to kill any women or girl or also boys on the name of immoral behavior. Immoral behavior may be in form of marital infidelity, refusing to submit to an arranged marriage or to live life with a man to whom she doesn't like him.

The central and state government regarding to the restrain such honour killing is take big step, but the khap panchayat (a body who is representing caste councils of western utter Pradesh, Haryana and Delhi) has opposed the amendment of Law which is deal with the prevention of honour killing and also submitted a memorandum on this issue. The khap panchayat amendment in the Hindu marriage act 1955, for the disallowing marriage between same gotra. The amendment have proposed aim to bringing honour killing under the direction of murder by amending the Indian penal code and also amend the Indian evidence act which would bring the liability on khap panchayat to prove their innocence in any honour killing. Approximately, two hundred cases were filled between 2008-2010 of honour killing

The Supreme Court has played very important role in prevention of honour killing issue. Supreme Court also said that no khap panchayat or individuals or society can interfere or

questions on the marriage of adults man to woman. There are many cases arrived of honour killing are done by the khap panchayat on the name of honour or values in which women are killed by their own family and brother in which innocent person are killed are punished with death penalty under the definition of murder.

There is need to amendment in Indian evidence act also, therefore Burden of proof shall be pressured on khap panchayat or member of family and also prevent such khap panchayat which kills the innocent people on the name of honour.

### **Introduction**

Khap panchayat also known as customary killing, Honour killing and also known as domestic public violence. Khap is a group of villages United by caste and geographical area. It is very old started in 14th century by upper caste system for the condition of their power and position in the society. The main thinking of khap panchayat is that all boys and girls within a khap are considered as a siblings.

The long and gory history of the khap panchayat as destroyed many innocent people and given a most heinous crime. Story of such brutality of them is a blotch on our Law. There are several public interest litigations are filed against the such crimes in which court has stood with the victims Right. Honour killing is a bad custom in our society. To kill any person on the name of family or community is just a murder. According to the traditional thinking, women are honour of the community and society because of this reason, people kill women and girls only for their honour.

Honour killing of women can be defined as "act of murder in which a women is killed for her perceived immoral behavior, such kind of immoral behavior may be in form of marital infidelity, refusing to submit to an arranged marriage or to live life with a man". The concept of women in society as a property and honour is deeply entrenched in political and social norms in Indian society and Muslim country. These incidents highly involved Mohammedan, Hindu and Christian families in the world.

Actually, many time parents, khap panchayat and sometimes lower court think that big decision of their life like marriage of a girl - girls are not able to take marriage decision by herself because parents assume that girls and women are immature and incompetent and also she is not Prepared by her mind side, that is the reason parents couldn't believe on her decision.

They also say that they are not believe on women's decision this is a reason according to the NSSO Data - participation of women in -

(1) Labor market is only 25%,

(2) in parliament 11.4% and in

(3) Legislative assembly, participation of women is only 8% only.

There is only six women judges in Supreme Court from last 67 years in past history and now Indu Malhotra is 7th woman judge of Supreme Court.

Under company act 2013 provided that, minimum number of women in company should be 1post reserve for a woman as a director but only 71% Companies trust on skills and abilities of women. There is 357 companies of the NIFTI 500 has fulfilled this condition to appoint as a woman director of company.

### **Honour killing in India :**

In India national crime records beuro provided dates of honour killing, according to this beuro honour crimes increase double between 2014 to 2016. In 2015 total 192 cases are filed of honour killing. This are only those cases which are in records but many cases of honour killing are not registered because of honour of the family.. Family or community has does not disclose the same.

### **Cause of honour killing:**

If we focused on causes of honour killing, - the nation of honour killing of women and girls, basically arose from the discrimination against women and children. People think that women have no right to take any decision or to decide anything about them. Once time a decision is made by her family is imposed on her. They are bound to happen according to the decision which is imposed on her. If any decision challenged by women is become irrational fear of losing reputation, honour and their family values.

- Another reason to honour killing is disputes arise between the girl and her parents on matter of marriage, on control their freedom, control on study or educational matters, specially a big issues of honour killing is marriage outside one's own caste. The marriage outside to the own caste, brings dishonour to the family or the community which is responsible for axing their daughter to death by her own father or by brother or another family member.

The main reason of such social control over a woman and girls is traditional and different cultural of their society and there caste and also full control over a body of women as well as patriarchal mindset of the people.

- Disobeying the dress code by the women which is decided by the society Aldo a reason for the honour killing.

- Engaging in lesbians and Gay relationship is also reason to the honour killing.

- Most of the cases regarding to the honour killing is done by their own family. There are many countries which are believed that if her daughter stray, especially in sexual matters father is entitled to punish them even unto death, and this barbarism crime carries the name of honour killing.

### **Problem of honour killing:**

Problems is that In India, there are no separate provisions to punish the offenders of honour killing, there is only a reason that, an honour killing amounted in murder (section-302) and punishment is also given according to this. Other sections like 307,308,120(a) and (b), 107-116, 34-35 also engaged in honour killing.

### **Cases which are supporting the problem**

1) Manoj and Babli case

An infamous case of Manoj and Babli of honour killing in which two newlyweds couple were killed in June 2007, on the order of khap panchayat in karora village of Haryana. Both were under the police protection but when policemen slopped away after living the couple at pepli

village, family of Babli kidnapped the couple and killed them in cold blooded. Their bodies were fished out of canal which was rapped up in gunny bags.

2) Nitish Katara murder case

In February 2002, a person named was Nitish Katara abducted and murdered by a politician, Vikas yadav and his cousin Vishal yadav, son of D. P. Yadav for having intimate relationship with Bharti sister of Vikas yadav. The yadavs were not approving the relationship between the two and because of that, Katara received threats many times. On February 17, Nitish and Bharti attended a common friend's wedding, where both yadav brother were present. From there, Katara was taken for a drive by both brother and didn't return back. After three days, body of Nitish Katara was found near the highway. He was battered to death with the hammer and then set aflame.

3) Father raped, kills pregnant daughter

In November 2013, father who was arrested for the raping and murdering a 17 years old girl. The girl had eloped to Uttar with a boy of her village in Gazipur district of U. P. Her father traced her and brought her in her friend's house, where both tried to convince her to leave the boy but when she refused then father and his friend forcibly took her into a forest and raped with her and strangulating her to death with her own dupatta.

4) Bhavana Yadav death

In 2014, a 21 years old age girl, student of Delhi university was killed by her parents just three days of her marriage in Delhi, because she tried knot against her parents' wishes. According to the report, after killing daughter parents took her body to Alwar in Rajasthan and set it on fire.

5) Dalit hacked to death

In March 2016, a young Dalit man was murdered for marrying an upper caste girl, who herself narrowly survived the assault in a Tamil Nada. CCTV FOOTAGE showed about 6 men attack on young couple, those were walking on a crowded road, the killers came on two motorcycles and appeared to have been shadowing the couple. Before escaping, killer's thrashed women leaving her bodily wounded but she survived.

**Data's of honour killing:**

Haryana police declared 34 incidents of honour killing which were reported in state between 2008 and 2010. Between 2008 to 2010 approximately total two hundred cases were filed. In 2010 fifty six cases filed and in 2008 ninty seven and in 2009 total eighty five case were filed.

Provided data cleared up that now law has focusing on honour killing issue. In March 2010, five people were punishable with death sentence for murder of a couple by the order of khap panchayat.

All India democratic women's association an association confirm that six to seven cases of honour killing has reported in every month in India and it also reported that 10% of women are killed under the honour killing by the family.

### **Contribution of Supreme Court to stop the honour killing :**

Before seven years ago that means in 2010, the Supreme Court issued a notification to the central government and state government regarding to the restrain the honour killing.

Supreme Court asked the appropriate government ,what steps are taken by them to stop the honour killing, then law minister suggested that there should be an amendment in the Indian penal code and for the prohibition of the khap panchayat, but again government has refuse it. This thing has to be done many times but there is no law made to stop the honour killing.

Supreme Court warned to the khap panchayat as well as family members, that they couldn't do anything to this barbarism crime carries on the name of honour killing.

There is many cases arrived in which from government machinery are not followed by parents and parents become enemy of their children. On the mane of caste, they destroyed children's future and also their relationship.

The Supreme Court call khap panchayat to hear their views before any order to stop them from harassment of couple and killing of couple and women in the name of honour. The NGO (Mon governmental organization) moved Supreme Court in 2010 seeking direction to prevention of honour killing by fruitful measurement. Supreme Court also said that, no khap panchayat individuals and society can question on the marriage of adult man to woman. A bench of judges Deepak Misra, A. M. Khanwilkar and D. Y. Chandrachud pulled up the central government for not protecting the couples those are choose to marry outside of their caste or groups.

Change into another religion, parents assumed as a conspiracy theory against them. For example recently a case came before the Supreme Court of love jihad case (Hadiya case).

Recently, the Supreme Court issued a direction that if any adult male and female are marrying by consent, no family member or khap panchayat can interfere in the matter. The Supreme Court also said that the union and state government regarding to the honour killing shall be take appropriate measurement for the prevention of honour killing.

### **Suggestions to stop honour killing:**

Honour killing is a big issue of today's scenario. There is need to prevent the honour killing. We are not trust on women this a reason people bit her because of that sometimes women also silently accepted that she is just like a dead body and nothing else, if any women or Girl appose those people who are standing against her, therefore people has need to change their mindset towards the women. For prevention of honour killing, spreading of educational system is necessary in rural and urban areas also. People should be aware by this that honour killing is crime. This crime done by poisoning, drowning, striking, besting and so on and forth is a felony and vicious which is amounted in manslaughter for causing death. Cases of honour killing will be minimizing, if people are aware by law and order.

There is need of amendment in Indian evidence act also, therefore burden of proof shall be presumed on family and khap panchayat.

With this there must be a law in which offender punishable by death penalty.

Again Supreme Court has given an opportunity to save and protection for sister, mother, wife and daughter. Court said that there is need to change our attitude towards the web and must give freedom to take their decisions according themselves.

### **Conclusion**

Definitely the law can play a significant role in eradication of honour killing, bit law alone cannot prevent such heinous crimes, and it is a sociological issue, which is deeply and badly rooted in the society and mindset of the people. There is need to change the mindset of the

people and keep broad Views toward the modern society and also setter from doing such illegal and heinous crimes. If such is issue come before the court, on this condition court should be take strict steps and punish them for their honour killing on the name of honour.

