

## HONOR KILLING: IS IT PRIDE FOR FAMILY?

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### ABSTRACT

Our Nation is famous to the world as 'Land of Culture' and appreciated internationally, in this advanced age of technology it is unfortunate to observe still our society is having and following evils in the name of custom like honor killing as a matter of pride. This is one of the emerging situations, which the human race has to deal with to eradicate in our existing society. In the world of today, it is rather demoralizing to see the rampant spread of this social evil. In the epoch of advancement and industrial revolution wherein one domain, India is hiking its stairs concerning developing to a developed state and in another sphere, our Nation is lagging behind in eradicating the curse of above such social evil from our culture.

In the present scenario, ferocity against female adolescents and girls committed for the pride of family honor has increased across the globe. Every day we can see the number of incidents in various news channel and newspapers talking about the incidents of honor killing. This honor-based violence are considered as cultural essentialism, and it was not viewed as an offences or crimes.

Honor Killings are a dangerous and vicious exploitation of human rights. Every person has a right to life according to our Indian Constitution and articles of Convention on Human Rights provides the same. Honor killing can normally understand that murder is for the sake of honor. Nowadays the social evil of honor killing is not restricted to rural areas but it is scattering its wings in the urban or metropolitan areas also. The caste system, illiteracy, customs, inter-caste marriages, pre-marital relations are one of the major reasons for honor killing.

There is no precise Statute being made for honor killing but the Hon'ble Judiciary admitted this honor killing cases in India, in the forms of homicide or manslaughter and accused will be punished according to Indian Penal Code.

## INTRODUCTION

In contemporary Indian scenario caste, mobilization has become an important factor. India is a nation that attitudes separated founded on class, caste, religion, and whatnot. Our country is in the fourth position in the world for most cases of religion-based aggressions. No wonder then, that this general cooperative animosity also finds its way into kin so often. The practice of enquiring about somebody's caste background while making introductions is an ample common exercise in our households. "A man is presumed to be always higher to woman." All iniquities against women are the consequence of this philosophy. Honor killing is also the conclusion of the same notion. In the past, it was truly the way for a man to control woman. Though progressive society have encouraged further and reformed their attitude towards women still our society is full of many people who believe in this and act accordingly. It is accurate since of these inflexible variances in the society those inter-caste or inter-religion marriages often end up with the newlyweds being murdered.

Honor based murders are defined as a death that is bestowed to a female members of the family for wedding against the parent's desire, having unlawful and premarital relations, espousing within the same gotra or other caste or marrying a cousin from a different caste. In India, our culture had a tradition of honor killing for the purpose of family honor. 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 honor could be preserved<sup>1</sup>.

Honor Killing is the homicide of a family associate or a public group by people belonging to the same family or community with a belief that the victim has dishonored the family or community. The "honor" killing triggered mass protests, but unfortunately, this was not the first case to have come up. In all scarring likeliness, it will hardly be the last. As an Indian, we are taught to be proud of our culture, but there are many people who turn into monsters under the pretext of preserving the same<sup>2</sup>.

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<sup>1</sup> Yadav, Hemant, Honour Killings - An In-Depth Study (April 5, 2012). Available at SSRN: <https://ssrn.com/abstract=2034965> or <http://dx.doi.org/10.2139/ssrn.2034965>

<sup>2</sup> <https://www.legallyindia.com/views/entry/is-it-justified-killing-in-the-name-of-honor-html> accessed on 23/04/2019

## INCIDENTS OF HONOR KILLINGS IN INDIA

In May 2018, the body of 23-year-old Kevin Joseph was found inside a local canal in Kerala. His body bore brutal injury marks, and the post-mortem report showed that he had been tortured to death. The family members of his wife murdered him because they did not approve the marriage<sup>3</sup>.

In September 2013, a young couple from Rohtak, Haryana, was brutally murdered by the girl's family after the two had eloped. She was beaten to death in public, while the boy had his arms and legs broken before he was ultimately beheaded<sup>4</sup>.

The Manoj-Babli murder case shook the entire country back in 2007, but ten years later, has anything changed? The latest cases of honor killing was reported from New Friends Colony, where a couple was murdered by the father of the girl, Vimla (20), and a guard named Robin, after they found 28 yr old Hari from Jalandhar and Vimla in a compromising position in an under-construction building. Amrutha, 21, belongs to a wealthy, upper-caste family, while Pranay, who was 24, was a Dalit (formerly untouchable). In April 2016, they married despite her parents' objections<sup>5</sup>. Amrutha- Pranay's love marriage also ends with this honor killing. The illustrations of these unabashed homicides are uncountable, and miserably, not in the tiniest bit occasional. There is no authorized statistics but hundreds of persons killed each year in India, so called honor killings for falling love or marrying against their family's wishes.

Although states like Haryana are generally associated with honor killing, the truth is, it is a nation-wide problem. The reasoning is simple it is not a problem of the place, but rather of the mindset the perpetrators carry. So many couples have lost their lives, solely because they married against the wishes of their family. Issues like marrying outside of caste, religion, etc. become so big, that closest of blood relations turn murderous. We might be living in the 21st

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<sup>3</sup> <https://www.mapsofindia.com/my-india/society/honour-killings-an-evil-that-refuses-to-leave> accessed on 10th Apr, 2019.

<sup>4</sup> 'Dalit man was never allowed to marry upper caste girl' article by Ashok Kumar published in The Hindu newspaper dt. 10<sup>th</sup> August, 2018.

<sup>5</sup> <https://www.bbc.com/news/world-asia-india-45570981> accessed on 10th Apr, 2019.

century, but most of us still carry the same age-old beliefs and keep on finding ways to justify it<sup>6</sup>.

## REASONS FOR HONOR KILLING

- The reason for doing this barbaric act can be any but the most common are:
- Love marriage especially among same caste and clan
- Sexual as well as the non-sexual act of female out of marriage
- The unacceptable dressing of female

The noticeable reason for honor killing in India at present is the rigid caste system in many regions. People are still against inter-caste, more specifically love marriage in which girl, or a boy finds her or his own life partner<sup>7</sup>. According to these rigid minds, if a girl takes a step of marrying against their wish then it would bring disrespect to the entire family. They try not to find any solution but give her and him the death punishment<sup>8</sup>.

However, largely in rural India, Indian cities are also not untouched from honor killing. Many cases of this heinous act have been reported in the metropolitan. Five cases have been reported in Delhi. In Tamil Nadu, a daughter and future son-in-law were killed for the sake of honor<sup>9</sup>.

## OUR RESPONSIBILITY

After Pranay's incident recently, there have been discussions in the country about the need to declare "honor killing" as a separate crime. Doing so, it is hoped, will act as a strong deterrent, while at the same time, making justice granting in these cases easier. To a certain extent, it is true. Of course, it will not be a magical solution, but with a problem as grave as this, every single correctional step is important, no matter how small<sup>10</sup>.

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<sup>6</sup> <https://www.bbc.com/news/topics/c207p54m43qt/honour-killing> accessed on 13th Apr, 2019.

<sup>7</sup> Chowdhry, P. (2010) Redeeming 'Honour' Through Violence: Unravelling the Concept and Its Application, [http://cequinindia.org/pdf/Special\\_Reports/Honour\\_killings](http://cequinindia.org/pdf/Special_Reports/Honour_killings).

<sup>8</sup> Aisha K.Gill "Honor Killing and Violence" 128, 2014, Macmillan publishers.

<sup>9</sup> Bhardwaj, M. (2009) 'Four Held in Jind Honour-Killing Case', *The Indian Express*, 26 July.

<sup>10</sup> <https://www.mapsofindia.com/my-india/society/honour-killings-an-evil-that-refuses-to-leave> accessed on 11/04/2019

From a wider viewpoint, the accurate resolution lies in changing the outlook of our individuals. Limiting a person entirely to whatever community they come from, is largely problematic. Secondly, whom a person chooses to marry, or spend their life with, is entirely a personal choice. Nobody other than the two people in question has the right to decide what they want. This change in mindset, however, will take a significant amount of time, especially in a country like ours.

Northern states such as Haryana, Punjab, Rajasthan, and Uttar Pradesh have the maximum number of honor killing cases in India. Most of these killings are the result of love marriages including marriage in the same caste, and even outside the caste. 34 such cases were reported in Punjab between the years 2008-2010. Cases of honor killing are also common among Rajputs and Jaats in Haryana<sup>11</sup>. Honor killing has also been reported from Bhagalpur in the eastern state of Bihar. It is a very complicated issue in India. However, the tradition of honor killing is not new to our nation. The worst form of honor killing was seen during partition when to preserve the family honor, girls and women were forcefully killed<sup>12</sup>.

This happens in not only India but also the history of nations like Russia and Greece points towards honor killing especially of a female. As per the Roman law of pater familias, men of the family used to enjoy full control of their children and wives. Roots of honor killing are also found in ancient Roman law, the law states that if women found guilty of adultery could be killed by their husband in whatever manner the husband desired. To control the situation at the basic level, a statutory body was set up by the National Commission for Women in 1990. The objective was to address the issue of honor killing in some parts of northern India. The significant role of NCW<sup>13</sup> activists has helped in reducing the number of honor killing<sup>14</sup>.

There is another but a simple way of dealing with such cases at personal front. If you feel that any family member of yours has brought disgrace then stop talking to him or her and you can even break off all the relationships instead of killing your own blood as well as others just for the sake of a name. It is nothing but a gruesome murder. Recently, there has been a spate of

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<sup>11</sup> <https://www.youthkiawaaz.com/2010/07/honour-killing-in-india-an-in-depth-study/> accessed on 10<sup>th</sup> April, 2019

<sup>12</sup> Available at <http://www.legalservicesindia.com/article/article/nothing-honourable-in-honour-killing-1721-1.html> (Last accessed on 28/03/2019)

<sup>13</sup> National Commission for Women

<sup>14</sup> Brinda Karat 'Honor Killings are a separate horror' The Hindu, March 22, 2016 at P6.

honor killings in the country and this has led the government to decide what laws should be put in place to stop this heinous crime. In addition, whether the Hindu Marriage Act should be reformed or not is being debated.

During the separation, there were many forced marriages, which were causing women from India to marry men from Pakistan and vice-versa. And then there was a search to hunt down these women who were forced to marry a person from another country and another religion and when they returned 'home' they were killed so that the family honor could be preserved and they were not declared social outcasts from their region. At that time, the influence of religion and social control was much greater and hence there were at least a couple of honor killings a day, if not more<sup>15</sup>. The partition years can be seen to be the beginning of the tradition of honor killing on a large scale. It is worth mentioning here that Honor Killing is not specifically related to India only. This practice continues to be prevailing in North and South America, Africa, Turkey, and many other countries. However, the thing that has to be kept in mind is that the number of incidents relating to this crime is very low and there is a very strict punishment for committing this crime in other countries.

Now, there are various reasons why people or family members decide to kill the daughter in the name of preserving their family honor. 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 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 honor and hence they decide to give the ultimate sentence, which is death, to the daughter<sup>16</sup>. Now as has become the norm, the son-in-law is killed as well. Sociologists believe that the reason why honor killings continue to take place is 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 honor killings are taking place is that 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 honor killings is because formal

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<sup>15</sup> <https://www.youthkiawaaz.com/2010/07/honour-killing-in-india-an-in-depth-study/> accessed on 12<sup>th</sup> Apr, 2019.

<sup>16</sup> Mukhtar Mai "In the name of Honor: A Memoir" 247, WSP Readers club.

governance has not been able to reach the rural areas and as a result. Thus, these practices continue though it should have been removed by now.

There are numerous 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. However, it has also been seen recently that even the metropolitan cities like Delhi and Tamil Nadu are not safe from this crime because five honor killings were reported from Delhi and in Tamil Nadu<sup>17</sup>; 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. Therefore, we can clearly see that there is no religious backing or religious roots for this heinous crime.

## **PREVENTING MEASURES**

Firstly, the attitude of the public has to transform. The parents should accept their children's desires concerning 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.

To stop this rampant, the government has to enforce stringent laws. Apart from this, the approach of people must change towards the caste system and society. In addition, all of us must understand that we as human have no right to kill anyone.

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<sup>17</sup> <http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/Crime%20Statistics%20-%202016.pdf> accessed on 11<sup>th</sup> April, 2019

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 the death sentences of innocent fellow humans.

Perceptions go a long way in maintaining the status-quo of the powerful. Brutal killings are a means for the 'upper' caste to create and sustain an impenetrable aura of fear killing your own kin is a message to stick to the fabric of society, no matter how retrograde, or risk losing your life.

## CONCLUSION

What is scary about these murders is that close family members usually commit them. The people, who are supposed to be a person's ultimate source of security, end up being the exact opposite. Preserving a so-called "honor", that for some reason becomes more important than the life of a person. It is ironical that we name these murders "honor" killings when there is not a hint of honor in the action.

Nobody has the right to impose their beliefs on another person, let alone denying somebody the right to live. In the 2013 Haryana killings, the father of the girl had no regrets, and was quoted as saying "I'll do it again if I have to". The family of the boy refused to take his body, or even file a complaint against the murderers. It is sickening to see a mentality like that, all in the name of safeguarding some highly problematic values. As we move further into the 21st century, it is imperative that our mindsets evolve too. If not, then there remains no point in calling ourselves a progressive, developing nation.