

## **HONOUR KILLING: THE ACT OF SHAME**

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### **ABSTRACT**

*The motive of this research paper is to create a clear stroke on crime against the people in name of “honour killing”. We live in the country where tradition, belief, faith and dignity regulate the human life and women are consider the Honour of family. It wouldn't be wrong if we say that killing people in name of honour is being practice from ancient period. The researcher is making an attempt to analysis the act of “Honour killing” in modern period in conflict with various laws and also provided various real statistics and some measures by which this act of shame can be stopped.*

**Keywords:** *Crime, Honour killing, Laws, Rights, Culpable homicide, Murder.*

## INTRODUCTION

Honour killing is assassination of a member of a family or communal group by the other member, due to belief of the culprit that the victim has brought dishonor upon the family or community. Mostly this act of shame is directed against women and girl. According to Human rights watch Honour killing can be define as an act of violence, usually murder, committed by male family member against female family member, 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 arrange marriage, being the victim of a sexual assault<sup>i</sup>, seeking a divorce –even from an abusive husband or allegedly committing adultery. The mere perception that a woman has behaved in a way that “dishonor” her family is sufficient to trigger an attack on her life. Honour killing is not restricted to women only. Men can also be a victim of honour killing. When men violate the customs then he can be a victim by member of women’s family with whom he is perceived to have an inappropriate relationship. Therefore, the victim of honour killing can be both male and female, it is not restricted to one gender.

## LEGAL PROVISIONS

In India we don’t have any specific laws related to honour killing. But the cases of honour killing is similar to homicide and murder which are consider as grave offence under Indian penal code, 1860. Section 299 and 301 of Indian penal code,1860 deals with culpable homicide not amounting to murder and section 300 deals with murder. The culprit of honour killing can be punished under Section 302 of Indian penal code,1860 as the murdering victim is done with intention of killing as the victim brought dishonor upon the family.

Constitution of India provides equal protection and right to each and every citizen of India without any discrimination of sex, race, religion, caste, colour etc. The act of honour killing violates Fundamental rights of victim which are guaranteed by constitution of India. The article which are violated by the act of honour killing are as follows: -

**Article 14. Equality before law** – The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.<sup>ii</sup>

**Article 15 (1).** The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

**Article 15 (3).** Nothing in this article shall prevent the state from making any special provision for women and children<sup>iii</sup>.

**Article 17.** Abolition of untouchability – “Untouchability”<sup>iv</sup> is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.

**Article 19 (1).** All citizens shall have the right

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India; and
- (f) omitted
- (g) to practice any profession, or to carry on any occupation, trade or business<sup>v</sup>

**Article 21.** Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law<sup>vi</sup>.

Even Article 39(a) says to “secure all citizen with adequate means of livelihood and Article 39 (e) & (f) “provides protection to childhood and youth from exploitation and growing material abandonment through this article's comes under “Directive principles of the state policy” and not enforceable in the court but can be consider for good administration in the country.

The Special marriage Act, 1954 provides special form of marriage to citizen of India as well as Indians living in foreign nations. Marriage under special marriage Act is done irrespective of caste, religion or faith of the parties, the practice of honour killing is violation of this act.

Universal declaration of human right, 1948 is not a binding instrument but has important value. Article 1 and 2 of the UDHR says about equality in dignity and rights. Article 3 says about right to life and security”. Article 5 “gives freedom from torture, degrading treatment. Article 16 gives choice for marriage to both men and women of full age without any restriction of race, nationality or religion.

## **CENSUS OF HONOUR KILLING IN INDIAN**

The act of shame is unstoppable in India. The researcher has taken the statistics of last 5 years and observed that there are 600 plus cases of honour killing from 2014 to 2019, and major states where the act of shame is on height are Uttar Pradesh, Gujarat, Rajasthan, Tamil Nadu, Bihar, Punjab, Haryana and Madhya Pradesh.

In 2014 there were 28 cases, in 2015 there were 251 cases, in 2016 there were 60 cases which are as follows: -

8 murders in Punjab, 16 murders in Uttar Pradesh, 10 murders in Gujarat, 8 murders in Maharashtra and 18 murders in Madhya Pradesh. In 2017 there were approx. 65 to 70 cases. In 2018 there were 218 cases which were against particular groups or community as follows: -

142 cases were against Dalits, 50 cases were against Muslims and eight each against Christian, Adivasis and transgender people. Some cases which has taken place in 2018 are as follows: -

On 29 September in Hyderabad a man attacked his daughter and son-in-law with a machete.

On 15 September in Miryalaguda, Andhra Pradesh, a 24-year-old man hacked to death in front of his 23-year-old pregnant wife outside a hospital, the killer was hired by the girl’s father for Rs 1 Crore. On 26 August in Panipat, Haryana, a couple eloped from Haryana found hanging from the ceiling fan in Bhiwadi industrial area.

On 1 June in Hisar, Haryana, a body of a 25-year-old newlywed man allegedly abducted along with his wife by her relatives was found near Rajasthan canal.

On 15 March in Kadapa, Andhra Pradesh a 19-year-old beaten to death over a relationship with a “forward caste” girl by latter’s father and uncle.

On 21 feb in Mahendergarh, Haryana a 17-year teenager boy in mahendergarh district was murdered by his girlfriend’s brother and cousin.

On 22 feb in Bahadurgarh, Haryana a BA final year student was murdered and quietly cremated by her father and other relatives in Jhajjar district.

The report of Amnesty India says that, the crime of honour killing are done against marginalized communities, which includes Dalits, adivasis, member of racial or religious minority group, transgender person and migrants<sup>vii</sup>.

## **MEASURES OF PREVENION**

To preventing crime of honour killing a Bill was passed by Rajasthan assembly to curb the incidence of act of shame. In the state of Rajasthan there is provision of giving death penalty or life imprisonment to the offenders of honour killing. To introduce this bill in parliament on debate it was cleared that the section of IPC and CRPC is not accurate in dealing such cases so the bill was moved and introduced so that people overcome the narrow mindset. This bill has set a great example to curb the offence of honour killing and there must be application of this bill not only in Rajasthan but to whole India.

Apart from legal provisions, initially the steps should be taken towards moral and mental development of the society by spreading awareness through various measures like “equality spreading campaign”. Strict action should be taken against the offender who commit the crime of honour killing on the name of honour, respect, pride of their family clan and community.

Lack of education is also an obstacle which stops the younger generations for develop their brains. Due to lack of knowledge and information they also started following the old hazardous mentality which allows them to believe and be a part of such shameful act later.

## CONCLUSION

Honor killing is a fruit of ill mentality which make the ill mindset of people they start to discriminate among each other on the grounds of race, caste, sex etc they have a mentality that anybody from their clan has committed something which is shameful according to their mindset are punishable for death. Preventive measures must be taken to curb this offence, taking anybody's life for some act is not at all a constitutional act it is a clear violation of the basic fundamental right of any person.

## REFERENCES

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- <sup>i</sup> Gupta Kanika, *Gender based violence: Honor Killings*, available at <http://www.indianjournals.com/ijor.aspx?target=ijor:ajdm&volume=8&issue=2&article=023>
- <sup>ii</sup> INDIA CONST. art. 14
- <sup>iii</sup> INDIA CONST. art. 15, cl. 3
- <sup>iv</sup> INDIA CONST. art. 17
- <sup>v</sup> INDIA CONST. art. 19, cl. 1
- <sup>vi</sup> INDIA CONST. art. 21
- <sup>vii</sup> *India reported 218 hate crimes in 2018, UP tops chart, says Amnesty; cow violence, honour killings most common*, First Post, March 06 2019, available at <https://www.firstpost.com/india/india-reported-218-hate-crimes-in-2018-up-tops-chart-says-amnesty-cow-violence-honour-killings-most-common-6204431.html>