
HONOUR KILLING: THE MOST HEINOUS OFFENCE

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ABSTRACT

Honour killing is one of the heinous forms of offence. India as well as other countries are facing this horrible crime. The logic behind honour killing is unacceptable in the welfare society. Honour killing is clearly a murder covered in the frame of the reputation of any family. As of now many male and female lost their life on the name family reputation. It is subject to concern that half of the society is still unaware about this dark crime. A part of the society is playing a role to commit the offence and condition seems helpless. This situation cannot be changed without joint efforts of the people and administration with strict laws. Honour killing is a crime in which the family member involve self to kill a person of his/her family on the name of fame and reputation. Honour killing is a current issue and many countries burning in this situation. Although various laws are made on national and international level to deal this situation but still there are many loopholes and need to look in this matter seriously.

Keywords: Honour Killing, Heinous, Welfare Society, Murder, Reputation, Dark Crime, Joint efforts, Loopholes.

Introduction

Honour killing is also known as shame killing. Honour killing is homicide (murder) of a human being in the name of family reputation. It is justified to say that honour killing is done to protect the 'artificial honour of any family'. Not only illiterate but educated families are involved in this serious offence without any fear of law and police. The sole purpose of this crime is ego satisfaction in the name of family reputation. In certain cases, a man and woman decide to run away from their family because they are in love with each other. Still, their families do not support their marriage as it is inter-caste or inter-religion. In rural parts of India, honour killing due to inter-caste or inter-religious marriages continues to take place. These cases remain legally unreported to the police due to the direct or indirect support from the villagers.

Honour killing is the murder if a family member as the offender believes that the victim has brought dishonour or shame to the family or has violated the principles set by a community or a religion. Most often, women are the victims of honour killings, where the male family members murder them. Honour killing is a type of domestic violence practiced within the family. Some countries have put strict laws against the practice. However, justice systems of certain countries by lack of enforcement of existing laws or by explicit provision don't exercise the laws against the killing committees in the name of the family's honour.

Our is a male-dominated society. The activities of women and girls are closely monitored women's virginity is considered to be a kind of 'sexual purity' and its maintenance is considered to be the responsibility of male members in her life like- her father, her brother and finally her husband. Victims that are subjected to honour killing are believed to have been involved in actions that are considered 'sexually immoral'. These activities include openly conversing with men, they are not related to or having before marriage or sex outside marriage, even if that includes rape or sexual harassment. Engaging in a homosexual relationship is still not accepted in larger part of the country. A woman is targeted for murder for various other reasons such as seeking divorce or separation from her husband even if the relationship is abusive. The mere suspicion that a woman has acted in a way to damage the family's reputation is enough to trigger an attack on her. Objective truth is not the factors causing these attacks but the general feelings of the male and perceptions. Such murders are often ruled as accidents or suicide by the victim when reported. In India, women are a victim of 97 per cent of honour killing acts. The lack of proper laws against these crimes committed to protecting the honour of a family or society results in the crimes being reported under myriad crime which makes it

difficult to be tracked. In the 21st century, international awareness of honour killing has increased. However, some countries remain in understanding the grave offence and take necessary steps to criminalize it. In some countries, the judicial system fails to put action to the laws against the killing committees, especially to protect the honour of the family in the society. The government of India should have strict laws against the people who not only commit the heinous crime but also support it by hiding it and removing the evidence or reporting it as suicide. This grave offence needs immediate attention and should be firmly dealt with as people are still losing their lives in the name of 'honour'.

Reasons behind honour killing- There are many reason behind honour killing, which are-

- (a) Refusing to enter in an arranged marriage
- (b) Being in a relationship which is disapproved by their family
- (c) Having sex outside of marriage
- (d) Sometimes a rape victim is also the subject to honour killing
- (e) Dressing in a certain way which is inappropriate for family or people
- (f) Inter-caste marriage
- (g) Inter-religious marriage
- (h) No fear of law and police
- (i) Lack of awareness of the society
- (j) Fear of losing their caste status
- (k) Narrow mentality
- (l) The marriage cannot take place in same gotra or outside one's caste
- (m) Homosexuality
- (n) Seeking a divorce
- (o) Allegations and rumors about a family member

International laws and Indian laws-

Honour killing is not specific to India only. Various countries around the world suffering from this issue. (1) The United Nations Commission on Human Rights show that honour killings have occurred in countries like Bangladesh, Great Britain, Brazil, Ecuador, Egypt, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey and Uganda. (2) Honour killing is a recognised form of violence against women in international human rights law because it violates women's

right to life and security and as well as every other article in the Universal Declaration of Human Rights (1948). (3) Honour killing also violate the convention on the elimination of all forms of discrimination against women(1979). This convention has been signed by 185 countries world wide over 90 per cent of the members of the United Nations including most countries where honour killing occurs.

(4) In India, honour killing are homicide and murder which are serious crimes under the Indian Penal Code, 1860.

(5) The perpetrators can be punished under section 302 of IPC. The members as well as the community can be prosecuted under section 302.

(6) apart from this, honour killing is the violation of article 14, article 15(1) and (3), article 21 and article 39(f) of the Constitution of India.

Role of khap panchayat and judgments-

The other side of the story points fingers towards the role played by khap panchayats in honour killing. These panchayats are self driven set ups that have gained wicked popularity for having paved a way for honour killing. Boycotting families from villages that choose to allow their children to get married by their choice and supporting the families in honour killing are some of the devilish activities of these panchayats. The unlawful laws of the khap panchayats are imposed through social boycotts where the victims are killed or forced to commit suicide. All these inhumane activities are done in the name of brotherhood and honour of the community. Love marriages are considered a taboo in these areas. The famous 'Manoj Babli' honour killing case in June, 2007, for the first time convicted the defendants for honour killing case. This killing was ordered by a khap panchayats in Haryana. On 30th March, 2010 for the first time in Haryana state history, a death penalty verdict was announced in this double murder case for the five accused. The Supreme Court in a judgement on 19th April, 2012 has termed the khap panchayats illegal and has directed the state government to take strong measures to prevent any atrocious acts by the khap panchayats. Alarmed by the rise of honour killing, the Government of India assigned the National Crime Records Bureau(NCRB) to collect data on honour killings since January 2014. The commission has submitted its 242 pages report titled as "prevention of interference with the freedom of matrimonial alliances". It has recommended for bringing a legislation namely "the prohibition of interference with the freedom of matrimonial alliance bill" to curb the social evil of the caste councils/panchayats interference and endangerment of

the life and liberty of young persons marrying partners belonging to the same gotra or to a different caste or religion.

Manoj and Babli Case - The Manoj–Babli honour killing case was the honour killing of Indian newlyweds Manoj Banwala and Babli in June 2007 and the subsequent court case which historically convicted defendants for an honour killing. The accused in the murder included relatives of Babli (grandfather Gangaraj, who is said to have been a Khap leader, brother, maternal and paternal uncles and two cousins). Relatives of Manoj, especially his mother, defended the relationship. The killing was ordered by a khap panchayat, a religious caste -based council among Jats, in their Karora village in khetal district, Haryana. The *khap* passed a decree prohibiting marriage against social norms. Such caste-based councils are common in the inner regions of several Indian states, including Haryana, Punjab, western Uttar Pradesh and parts of Rajasthan, and have been operating with government approval for years. In any event, the state government expressed no concern about the ruling of the *khap panchayat*. The Khap panchayat's ruling was based on the assumption that Manoj and Babli belonged to the Banwala gotra, a Jat community, and were therefore considered to be siblings despite not being directly related and any union between them would be invalid and incestuous. Nevertheless, the couple went ahead with their marriage, following which they were abducted and killed by Babli's relatives.

Sanjay vs State of Haryana (2011)- The ghost of honour killing has again swallowed three innocent teenagers, namely, Bodhi alias Vinod, Suman and Budha alias Satish. For their brutal murder, appellants Jita Ram, who is father of Suman (deceased) and Sanjay, who is first cousin of Budha alias Satish, were tried by the Court of Sessions Judge, Jind for the charge under Section 302 read with Section 34 of IPC. Vide judgment of conviction and order of sentence dated 31.5.2005/1.6.2005 the trial Court convicted both the appellants under Section 302 r/w Section 34 IPC and sentenced them to undergo imprisonment for life and to pay a fine of Rs.5000/- each, in default of payment of fine or a pathere has been a spate of honour killing in this part of the country. Haryana is one of the worst hit as far as honour killing is concerned. Such killings result from the perception that the defense of honour justifies killing a person whose behaviour dishonours their own clan or family. The usual remedy to such murders is to suggest that society must be prevailed upon to be more gender-sensitive and shed prejudices of caste and class. But equally, it should be made clear that there is no escape for those who take justice into their own hands. So far, there is no specific law to deal with honour killings.

The murders come under the general categories of homicide or manslaughter. Generally in such type of killings eye- witnesses are not forthcoming to support the case of the prosecution. This is a biggest problem before the investigating agency and the Court while dealing with such type of cases. In such cases where the witnesses of honour killing become hostile, a heavy duty is cast on the Court to closely scrutinize the evidence in order to reach to the truth. It is the duty of the Court to separate the grain from the chaff. The Court is to ensure that no innocent person be punished. rt thereof, they were to undergo further imprisonment for a term of six months.

Shakti vahini vs Union of India(2018)- Khap panchayat is unconstitutional and has no right to pass any decision in the favour of honour killing. An assembly or Panchayat committed to engage in any constructive work that does not offend the fundamental rights of an individual will not stand on the same footing of Khap Phanchayat. Before we proceed to issue directions to meet the challenges of honour crime which includes honour killing, it is necessary to note that as many as 288 cases of honour killing were reported between 2014 and 2016. According to the data of National Crime Records Bureau (NCRB), 28 honour killing cases were reported in 2014, 192 in 2015 and 68 in the year 2016.

B.Dilip kumar vs The Secretry to Government- Often young couples who fall in love have to seek shelter in the police lines or protection homes, to avoid the wrath of kangaroo courts. We have held in Lata Singh's case (supra) that there is nothing 'honourable' in 'honour' killings, and they are nothing but barbaric and brutal murders by bigoted, persons with feudal minds.

Keesari Rajitha and another vs The State of Telangana(2020)- In the event of consideration of bail applications of petitioners will send a wrong message to the society since the petitioners have actively involved in honour killing. The court rejected bail application. It would not be a good message in society to leave a person on bail in such kind of heinous offence charge.

Ravi Kumar vs State of Haryana(2021)- It was upheld by the court to further strengthen through para legal volunteers, Anganwadi Workers, National Social Service Volunteers, Saksham Yuva, Students of Law Colleges and School/College Legal Literacy Clubs their public awareness programmes against the social evils of violence against inter caste/inter religion marriages and honour killing.

Conclusively, the need of the hour is to check such incidences with full force. The problem must be tackled at several fronts. Firstly, the mentality of the people has to change. The government too should make sincere efforts to educate the people and formulate the policies

thereby strengthening the governance of rule of law. There is a need for media to lend a hand in creating local awareness about the horror of honour crimes. Therefore, honour killing is not justified in any manner and it should be stopped with immediate effect.

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