



'Honour Killing' The Menace

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ABSTRACT *Honour crimes have been regarded as a cultural phenomenon practiced by most of the countries and leads to the murder of thousands of innocent people annually. Since it is not confined to one country, spread across the nations, ethnicities, genders, ages, religions, or professions and all die at the hands of their family or community members after being accused of having compromised their morals. Honour killing is considered to be a crime that threatens the unity and harmony of the community and now, it is time to stamp out these barbaric & feudal practices which are a stain on humanity. 'Honour killing' is rapidly engulfing the entire ocean of mankind. The issues of 'honour' and in particular honour related crimes in modern societies undisputedly need more public reflection and discussion. Prevention of honour killings will definitely decrease the number of squeezing the buds. Hence it is focused on what legal steps are taken to prohibit such menace and how far they are satisfactory.*

Introduction

"And much it pains my heart to think, what man has made of man."

William Wordsworth

Women are often subjected to violence due to the prevailing cultural norms and socialization patterns in South Asian in general, and in India in particular. Despite India's efforts to pursue several policies for empowering women, violence against women is widespread. In India where almost half of the population is women, they have always been ill-treated. Violence strikes women from all kinds of backgrounds and of all ages. It can happen at work, on the street, or at home. Violence against women is a global phenomenon prevalent in all societies, but differs in its form from one society to another, depending on the level of development and the extent of patriarchal control within the family, as this system prevailed in human societies for thousands of years.¹

Women are forced to consider every aspect of their life from the perspective of their 'honour' as a quality which is felt to reflect both the entirety of their social worth and the reputations of the male members of their family. Male reputation is dependent upon female 'honour'. Female 'honour' is passive in nature centering on qualities such as subordinacy, modesty and endurance, whereas male 'honour' is active and dynamic, centering on qualities such as self-assertion, dominance and social status. Once female honour is 'lost' through any act which is considered 'dishonouring' in her society, there is no way it can be regained. Other members of her family may face pressure to take violent action which will restore their position in society. Male and family 'honour' is restored through violence, coercion or killing.²

Manu's view is that 'a woman, in her childhood is dependent on her father, in her youth on her husband, and in her old age on her son'³. Women's role in life is ancillary: as a dutiful daughter, an obedient wife and a self-sacrificing mother. Women are not expected to show autonomy, but to work without complaint for their families or for their husbands, and to bear children for her husband's family, especially sons. Elders dominate younger members of the family who have little ability to determine their own lives. Young women are disempowered both as women, and through their youth. A woman's 'honour' is directly linked to her conformity to these traditional and very restrictive roles. Any perceived rebellion against these circumscriptions may be construed as a loss of 'honour.'

'Honour' in this sense is often a social quality: it revolves around the public perception of the individuals more than their actual behaviour. Causing a scandal or gossip within the community is often the most significant aspect of an offense against 'honour'. Ultimately, it is those with power within the family and the community who decide what acts are 'honourable' or 'dishonourable'. The ideology of 'honour' is one which directly results from patriarchal gender roles, wherein conformity to these roles is demanded and a source of status and acceptance within the community; and where deviance is censured. For males, 'honour' is gained through exerting dominance and control over females and younger males, and lost through weakness and failure to control; it can be restored through violent and coercive acts.⁴

Honour crime has been regarded as a complex issue which has been widely misunderstood for many centuries. The concept of honour crimes is elastic which changes according to time, place and forms of articulation and expression in society.

Honour Killing: A Brief Historical Culture

Honour killing is not newly originated social problem, but due to recent media attention the problem of honour killing has under increasing global scrutiny. Honour killings originate in the ancient customs that have been incorporated into many cultures. According to tribal custom the woman is the repository of her family's honour and honour is closely related to respect and standing in society.⁵

The barbaric societies of Arab stoned and buried the girls alive who thought to have brought disgrace to family. The Roman Civilization too gave the paterfamilias the right to kill their unmarried sexually active daughter or adulterous wives. The honour killings have been recognized throughout the world in the many forms. The honour killing persists in civilized western world under the name of crimes of passion. According to UNFPA (United Nations Population Fund) statistics, approximately 5000 women fall victim to honour killings each year. According to the report of the Women's Human Rights International Group, most of these murders are committed in Afghanistan, Pakistan, Jordan, Egypt, Bangladesh, Morocco, Turkey, Iran, India, Brazil, Iraq, and also in Sweden, Canada, Uganda, United States and Britain. Unfortunately there are no accurate figures for these types of murders, and only those that are discovered by the police are either investigated or mentioned.

Much against the popular view that honour killing is concept of Islamic origin, Indian society perhaps had enough of its own before Muslims invaded India in medieval times. Historically, Sita too can be said to have survived an honour killing when she was asked to prove her pavitrata by entering into burning flames and come out unscathed.⁶ We have had a tradition on honour killing. This tradition was first viewed in its most horrible form during the partition of the country in between the years 1947 to 1950. When many women were forcefully killed so that family honour could be preserved and after. So many decades as is said every year one thousand's women and girls are murdered. The honour killing has become common in many parts of the country particularly Punjab, Haryana, Western UP, Bihar, Madhya Pradesh, Rajasthan and Tamilnadu.⁷

India, even in 21st century, continues to be influenced by the religious and cultural ways of the society. The cultural values are very fundamental to the Indian society. And the youth who challenges the century's old customary norms continues to face the social dishonor and take the wrath of society in the form of social boycotts and in some cases, honour killing.

Meaning of HK- A Conceptual Clarity

"Honor Killing" is defined as the murder or forced suicide of a person by a family or clan member or a hired killer upon the suspicion or insinuation that the person has compromised his or her virtue and thus stained the family's honour or in other words, upon the suspicion or insinuation that one has been involved in something immoral and thus, disgraced his or her family.⁸

In Pakistan HK is known by different names depending on the region in which it is practiced. In Sindh province it is referred to as Karo Kari, where Karo refers to the 'blackened' or dishonoured man and Kari to the 'blackened women'.⁹ When speaking about 'honour' we must remember that understanding of the word 'honour' may vary from culture to culture, from language to language and all precise definitions would be difficult to establish.

'Honour killing' also known as 'customary killing' is the murder of a family or clan member by one or more family members where the murderers, essentially the community at wider scope thinks that the victim through his/her actions has brought disgrace to the family honour. It is a crime which originates from the culture or race or one might even call it a cultural tradition.

In the societies like India, a man's perception of honour relates to his possession and control of some desirable commodities and these honours are zan, zar, zameen i.e. women, gold and land. Ghairat, the honour is closely related to what is perceived as izzat, the respect or standing in society, or in simpler words, is what people will think of you. This honour is more dependent upon public perception rather than your actual ways or behavior in society. The non-Caucasian societies, which consider their women as the vessel of family honour, find it offensive to one's honour if one is a subject of a scandal or gossip within the community. Thus, ultimately, it is what the men and older women in family who with their power within the family, decide what acts of a women are 'honourable' or 'dishonourable'.¹⁰

The motivations for honour crimes vary from culture to culture, all having different purposes to commit this crime. Women's sexual conduct actual, suspected or potential, for the preservation of honour vested in male, family and/or conjugal control over women. Honour crimes are executed for instances of rape, infidelity, flirting, rejecting forced marriages, dowry problems or any other instance perceived as disgracing the family's honour. Many women are killed based on suspicions of a family member and are not given the chance to defend themselves. The allegation alone is enough to defile a man's or family's honour and is therefore enough to justify

the killing of the woman.¹¹

Legal Approach towards HK

India has a unique history of fighting social evils through legislation. Whether it is prevention of child marriage or sati, legislative measures initiated by Parliament in the wake of sustained campaign by social activists have paved the way for social reform. Although such interventions have faced stiff resistance initially, they have been accepted as necessary in due course.

But now, the situation differs as honour killings though secretly supported in Indian society, are openly not encouraged and forbidden everywhere. Despite the fact that, there is no specific offence distinguished as honour killings under the Penal laws of the nation, yet the Law condemn honour killings as vicious form of murder and the doer severely punished.

So far, there is no specific law to deal with honour killings. The murders come under the general categories of homicide or manslaughter. When a mob has carried out such attacks, it becomes difficult to pinpoint a culprit. The collection of evidence becomes tricky and eyewitnesses are never forthcoming. Like the case of Sati and dowry where there are specific laws with maximum and minimum terms of punishment, honour killings, too, merit a second look under the law.¹²

Honour crimes are not considered as any specific offence in Indian penal Law and are dealt as ordinary murder cases under Sec 299, Sec 300 and Sec 120B of the same. Honour Killings are cases of homicide and murder which are grave crimes under the Indian Penal Code (IPC). Section 299 and 300 of the IPC, deals with culpable homicide not amounting to murder while Section 300, deals with murder. Honour killing amounts to homicide and murder because the acts are done with the intention of murdering the victims as they have purportedly brought dishonour upon the family. The perpetrators can be punished as per Section 302 of the IPC. The khap panchayats or family members can also be booked under Section 302 of IPC for instigating suicide those who transgress the so called norms of the community. Honour killings involve the murder of a particular person especially a woman and thus come under the ambit of Section 299 and Section 300 of the Indian Penal Code.¹³ Number of instances can be seen where the Honourable Courts have been giving exemplary punishments to create a deterrent effect on the minds of so called honour preservers. An instance can be looked in to a recent case where a special CBI court sentenced the dentist couple, Rajesh Talwar and Nupur Talwar, to life imprisonment in the Aarushi-Hemraj double murder case on Tuesday, November 26, 2013.

Yet, the murderers make an easy escape under the excuse of "grave and sudden provocation" with much lesser punishment when compared to the gravity of crime. Recent increase in honour killings has forced the government to come up with some amendments in IPC so as to uproot this evil from the society.

Dr Manjeet Rathi of All India Democratic Women Association says:

"The present provisions in law are not enough to deal with 'honour' killings. Slapping a murder case against the accused is no deterrent. There is urgent need of a legislation that punishes not only those who murder, but also those who stand as mute spectators and are directly or indirectly involved with the murder. We drafted a legislation and submitted it to the Home Minister with one lakh signatures. However, nothing came of it."¹⁴

The law commission of India has said there is no need to alter the definition of murder under Section 300 of the Indian Penal Code (IPC) to deal with honour killings. The panel said

in a consultation paper, "The commission is prima facie of the view that there is no need for introducing a provision in Section 300 IPC in order to bring the so-called 'honour killings' within the ambit of this provision,". The panel, entrusted with the task of suggesting reform in law, felt the existing provisions in IPC were adequate enough to take care of the situations leading to overt acts of killing (honour killings or otherwise) or causing bodily harm to the targeted person who allegedly undermined the honour of the caste or community. "The motive behind killing a person does not furnish real justification to introduce a separate provision in Section 300. Probably, the addition of such a clause may create confusion and interpretational difficulties".¹⁵

On the other hand, the Law Commission has already circulated a proposed legislation against those who participate in Khap meetings convened to condemn any inter-caste marriage – Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliance) Bill, 2011 – and sought public response. It proposes up to one-year imprisonment and Rs 10,000 fine.

The Bill also proposed punishment of up to two years of imprisonment and Rs 20,000 fine if one was found taking steps to prevent such marriages; a three-year jail term and Rs 30,000 penalty for anyone resorting to criminal intimidation of such couples.¹⁶

Chief Justice of India-designate P. Sathasivam favours a special law to combat honour killings. Speaking to *The Hindu*, he said: "A special legislation will certainly be a welcome effort as it will help in generating additional protection to the victims. Though the prevailing law punishes the act of homicide, it does not directly punish the members gathering for such purpose." The stringent provisions of the proposed Bill coupled with those in the IPC would effectively combat

honour killings and protect the hapless young couples and their families who are the victims of this social evil.¹⁷

Conclusion

Honour killings are encountered in many societies in the world. It indicates that all societies should act together to curb honour killings. Criminal laws should require that honour killers should be punished severely. Cultural systems should be discouraged, and individual rights should be prioritized. Media campaigns should be conducted to struggle against honour killings. Numbers of innocents are burnt today though there is strict application of Laws. Thus, mere amendment in law is not going to do any good unless a multifaceted approach to this problem is adopted. Govt. must also undertake wide-ranging public awareness programs through the media, the education system and public announcements to inform both men and women of women's equal rights. Women have come to front to challenge their killer to explain in court what exactly was honourable about their actions. And now the society and the State must support these brave women who walk the corridor of Law to bring to justice all those who take lives of their women on their own whims and fancies.

Finally to conclude I quote Justice Sujata V. Manohar of Supreme Court of India

"...It is not easy to eradicate deep seated cultural values or to alter traditions that perpetuate discrimination. It is fashionable to denigrate the role of law reform in bringing about social change. Obviously law, by itself, may not be enough. Law is only an instrument. It must be effectively used. And this effective use depends as much on a supportive judiciary as on the social will to change. An active social reform movement, if accompanied by legal reform, properly enforced, can transform society."

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