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## KILLING IN THE NAME OF HONOUR AND TRADITION

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### Abstract:

*Honour killing is the oppression and murder carried out in the name of culture, tradition, or religion, and the consequential confusion many Indians experience in the name of social familial honour. '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. This concept of honour is so deeply rooted in the traditional society that it acquires importance larger than the life of the family member itself. It is a crime which originates from the culture or race or one might even call it a cultural tradition.1 Indeed, recent research has made it amply clear that crimes committed to uphold honour are fairly widely spread not only across India but also in the entire Asian subcontinent. The phenomenon is unbelievable that in the 21st century, where India takes pride over its largest democracy, families murder their kith and kin for allegedly saving their honor. This paper is an attempt to highlight: 1)The concept of honour killing; 2) honour killing in India, how it took its shape, and why its so hard to tackle with it 3)the present legal system that stands to swiipe this menace, and the views of Honorable courts on the subject.*

### KEYWORDS:

honour killing, origin, social traditions, history, IPC

### INTRODUCTION

We, Indians, live in a society in which the social acceptance of a family is considered on the issues of honour and shame. The members of a family may even go to extremes to preserve the so called honour of the family. A brutal, planned, and inhumane murder gets association with honour where one or more members of the family, kills another member of that same family on the name of prestige of the family in the society. While the victims of honour killing can be of any gender, but, overwhelmingly, they are women or girls. There are roughly three distinct features that works under such killings. First, the killing is motivated, as per the definition, by a desire to repair or salvage family "honour," as the people involved in the killing understand that concept. As is clear from their behavior, the perpetrators consider protection of family "honour" more important than the life of the victim. Secondly, many people or the group of institutions sharing the same cultural background and social values approve such kind of killing as justified and as per their traditional customs. So, in dealing with a case of honour killing, one is not dealing with an individual accused or the perpetrator of crime, but instead with a larger culturally sanctioned phenomenon. thirdly, living in a society that is based on traditional values, a family has little freedom to bypass its customs, sometimes, the family members of a person having violated the rules framed by the society, has to comply with the direction given to them, to avoid further complications or to avoid to be declared outlasted. In such

killings social institutions under which they fall play vital role underneath.

The honour killing is the issue that comes traditionally from the ancient times of our old civilizations. In Arabian societies girls and women were stoned to death or buried alive if they were thought to have brought shame or disgrace to their family. The organized honour killings have been throughout the world in the many forms. The honour killing persists in civilized western world under the name of crimes of passion.<sup>2</sup>

The Women's Human Rights International Group says that 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.<sup>3</sup>

The popular notion prevailing is that the origin of honour killing is perhaps Islamic decent but Indian society perhaps had enough of its own before Muslims invaded India in medieval times. Historically, Sita, wife of legendary Lord Rama, too can be said to have survived an honour killing when she was asked to prove herself chaste by entering into the fire.<sup>4</sup>

During the time of Indian struggle for freedom there are examples of honour killing on a large scale and there were movements to save the life of women led by leaders such as Raja Ram Mohan Roy etc. India, even in 21st century, continues to be influenced by the religious and cultural ways of the society. The cultural values are very integral to the Indian society. And the younger generation who challenges the century's old established norms continues to face the social stigma and take the wrath of society in form of social boycotts and in some cases, honour killing.<sup>6</sup>

In India, most of the honour crimes take place as a result of inter-caste or inter-religious marriages or in northern India marriage in the same gotra (caste clan) is also a big issue. The caste system has deep roots in Indian society and any inter-caste, inter-religion or cross-culture marriages, especially after frequent interferences from the Khap Panchayats, are not a welcoming thought. At the same time, honour killings are negligible to almost non-existent in southern India owing to the efforts of the influence and activism of reformists like Swami Vivekananda, Ramakrishna Paramhansa, and Raja Ram Mohan Roy.<sup>7</sup>

Though legislation of India condemns honour killings yet the cultural set up secures such practices as integral part of religion. Thus, honour killings have one of the strongest supports of masses i.e. through religion. The criminal law promises to take care of honour crimes under Sec 299-304 and under Sec 120 A and B of IPC. Taking Law as an instrument of change, both the state machinery and judiciary has always tried to curb the evil practice of honour crime. The Judiciary has condemned honour killing as a practice which contributes to rigidification of the caste system. And has in fact, encouraged the inter caste marriages which might help in unification of the society surpassing all barriers as in the case of Manoj and Babli murder case (2007), the Sessions Court in Karnal on 30th March, 2010, holding the Khap panchayat members liable for murder of same gotra couple, gave capital punishment to five and life imprisonment to one and seven year jail term to another.<sup>8</sup>

The Government of India after taking note of rise in number of honour killings in these recent years has proposed to come up with some amendments in IPC so as to prepare a deterrent law to deal with honour killings. Government wanted to bring amendments before the Parliament in monsoon session only. Though united on the need to deal with the pernicious practice of honour killings, but facing division in the Cabinet on how to tackle the issue, the Centre government decided to consult the States and to suggest changes in the law to deal with the matter. Though no bill was introduced during this session yet the debates in Parliament have given a clear idea about what these amendments can be. The amendments proposed do not merely relate to the amendments of IPC (Sec 300 and Sec 354) but amendments under Evidence Act, 1872 (Sec 105) and Special Marriages Act, 1954 are also being considered to give effectual implementation to these new laws. Firstly, the Government has proposed addition of a "fifth clause" to Sec 300 under IPC. The proposed fifth clause says, "if it is done by any person or persons acting in concert with, or at the behest of, a member of the family or a member of a body or group of the caste or clan or community or caste panchayat (by whatever name called) in the belief that the victim has brought dishonour or perceived to have brought dishonour upon the family or caste or clan or community or caste panchayats." In the explanations given for the clause, the proposal says that "dishonour" and "perceived to have brought dishonour" will include "acts of any person adopting a dress code which is unacceptable to his or her family or caste or clan or community or caste panchayat". Secondly, the Government proposes to make amendments in Indian Evidence Act (Sec 105)

which will bring the onus on Khap Panchayats to prove their innocence in the cases related to honour crimes. And the Khap Panchayat or any group which orders for slaying or any other harm to anyone and the person who actually committed the offence will be made jointly liable for the crime. Third main amendment is related to Special Marriage Act. There are talks to do away with 30 day notice period under Special Marriage Act for any inter-caste or inter-religion marriages as required under Sec 5 of the said Act.

The crux of the changes proposed focus on placing the onus of proving innocence on the “khap panchayat” members - and this includes not just the charge of murder, but of being an abettor, or having instigated any other sort of humiliation, including stripping, social boycott, etc. The amendments, if made into law, would also make all 'khap panchayat' members associated with death accountable.<sup>11</sup>

**CONCLUSION:**

The irony about Honor killings lies in the fact that there is no honor in killing. How can blatant murder not be punished just because it is disguised under a thousand different headings and passed off as suicide? Honor killing is a menace from the past that still haunts today's society. It's time we as a civilized society of the 21st century put our heads together to try and put an end to this heinous practice. The Parliament of India is already in the process of drafting a bill where in honor killings will be put under a separate heading of crime. In the author's view, the perpetrators should be given the strictest punishment possible in order to set an example that such practices will not go unpunished or overlooked in India. The doctrine of justice, equity and good conscience that form

the basis of the rule of law should dictate our society's functioning and not arbitrary decisions done in the name of tradition. The principle of equity can be found in Aristotle's work, he was of the view that law is necessarily general and often harsh in application to the individual case. However, equity mitigates and corrects its harshness by considering the individual case. All discussions of the problems of equity, of the proper interpretation of statute or precedent are derived from this fundamental statement. The democratic rule of law implies the principle of equality before law which means the exclusion of autocratic principle which in the name of divine right or age old custom or pure and simple power exempts individuals from the law of the land. Thus the rule of law or the law of the land must prevail rather than arbitrariness disguised under the name of justice served to protect honor. Further, the present procedure of getting a marriage registered, under the Special Marriage Act-1954, is a long drawn out process. During this period a couple may be exposed to imminent danger. Steps need to be taken to shorten and simplify the registration process. Since, new laws come with institutional machinery it will also permit the state governments and the Centre to work on sensitizing the law enforcement agencies. The new law will therefore bring about social initiatives and awareness to curb such violence through social means.<sup>12</sup>

**REFERENCES:**

1. Sherene Razack, *Casting Out 128* (University of Toronto Press, 2008).
2. Sara Hossain and Lynn Welchman, *Honour: Crimes, Paradigms and Violence Against Women* 11 (Spinifex Melbourne, 2005).
3. Review of violence against women in Iran in comparison with other countries, (Oct. 12th, 2010), <http://lib.ohchr.org/HRBodies/UPR/Documents/Session>.
4. Shri Ramcharitramanas, (Oct. 10th, 2010), [http://gitapress.org/BOOKS//Ramchritmanas\\_Roman.pdf](http://gitapress.org/BOOKS//Ramchritmanas_Roman.pdf).
5. Rushab, Is it justified? Killing in name of Honour, (Oct. 10th, 2010), <http://www.legallyindia.com/1311-is-it-justified>
6. Honour killings: New law needed, (Nov. 18th, 2010), <http://timesofindia.indiatimes.com/city/delhi/Honourkillings-New-lawneeded/articleshow/6052254>.
7. Sharell, Honour killings in India, (Oct. 10th, 2010), <http://www.whiteindianhousewife.com/2010/06/honourkillings-in-india>.
8. Rani Rohini Raman, Death Sentence in Honour Killing Case: A Milestone, (Oct. 16th, 2010), <http://www.pragoti.org/node/3900#comment-3525>.
9. GoM to consider proposals to tackle honour killings, (Nov. 16th, 2010), <http://www.indianexpress.com/news/gomto-consider-proposals-to-tackle-honour-k/654479>.
10. Govt. considers proposals to tackle honour killings, (Nov. 12th, 2010), <http://www.currentnewsindia.com/2010/08/govt-considers-proposals-to-tackle-honour-killings>.
11. 1ST Gurcharan Singh Tulsi National Legal Essay Writing Competetion, 2010.
12. Cultural Crimes: The law it is and the law it ought to be.

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