

# A Sociological Perspective of Honour Killing in India

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## ABSTRACT

Human minds have always been captured by traditionally dominant civilizations to think and act within cultural boundaries. Although the world is progressing, society is reverting to a more conventional worldview. It has stifled reasonable thought while encouraging violent behaviours, all of which constitute a breach of humanity. The International Forum, as well as Islamic law, has always been supportive of others' rights, particularly women's rights, which are protected by laws, conventions, and treaties. Few societies have been unaware of women's dignity. The subject of honour killing in India is addressed in this study paper. The historical technique of research was employed in this study as part of qualitative research methodology. The information is gathered from reliable sources such as the literature and prior studies. Women are susceptible to violence not only in India, but also around the world, as a result of poor governance, a lack of execution of suitable laws, and societal and cultural hurdles. People's attachment to traditional and cultural norms has resulted in a rise in violence against women. Honor killings are on the rise as a result of ignorance. Despite the fact that women in India are empowered, their status is not fully functional. The findings point to the need for stringent legislation to prevent honour killings. To remove ignorance from society, societal awareness is critical. Women should be given the tools they need to take such matters seriously and fight for their rights.

**Keywords--** Honour Killing, India, Sociological Perspective, Crime

## I. INTRODUCTION

An honour killing, also known as a disgraceful killing, is a form of domestic violence. Honor murders are committed by both men and women; nevertheless, the majority of these killings are carried out on girls and women, who account for a disproportionately large number of victims. The scope of such violent acts is difficult to assess because data on them is not gathered routinely in most countries. Many of these assassinations are characterised as suicides or accidents. Honor killings occur all around the world, despite the fact that they are generally linked with Muslim communities and/or the distant past. In fact, while the incidence of honour crimes is on the decline, the problem still remains and poses severe challenges in terms of prevention. The authors aim

to throw light on that terra incognita from the perspective of criminal law and social attitudes toward this criminological phenomenon in some nations where the problem is not generally discussed and analysed.

One such social standard is honour killing, in which one must pay with one's life for defying society. Gender equality and women's empowerment are central to the United Nations' worldwide objective of achieving equal rights and dignity for all people. These democratic ideals are established in the United States Constitution. Although great progress has been made in recent decades, women still do not have the same rights and opportunities as men anywhere in the world, and they continue to confront injustice and marginalisation. Honour killing, also known as customary killing, is a serious cause of worry even in the first decade of the twenty-first century. In the last few years, several allegations have arisen in newspapers and television stations around the country accusing people of breaching sexual norms established under a patriarchal culture in the guise of honour killings. The perpetrator of these crimes is motivated only by an abstract desire to restore honour to the family by removing the family member who has brought dishonour to the family.

The lack of control that male family members feel over a female family member's sexual behaviour is usually the cause of this perceived shame. The ideal of masculinity is grounded by a notion of honour of an individual man, a family, or a community- and is profoundly tied to policing female behaviour and sexuality in many rural countries, where the value of education is lower than that of family standing.

Murders and other illegal severe offences have been reported on a regular basis against those who marry or propose to marry Sagotras or outside their caste/religion. Aside from the cases that are documented, a large number of cases go unreported for fear of retaliation or cascade effects. These forms of crimes, which are committed through the participation of castes, groups, or assemblies, deprive a person of his life and personal liberty as guaranteed by the Indian Constitution. Such caste-based assemblies believe they have the capacity and authority to proclaim and deal with problematic matrimones, have little concern for life and liberty, and are unaffected by

legal processes. Innocent youth would be hounded and victimised if such illegal assemblies continue to operate.

### **1.1 Concept of Honour Killing:**

'Honour killing,' also known as 'customary killing,' is the assassination of a family or clan member by one or more family members, with the killers, essentially the entire society, feeling that the culprit has brought shame to the family honour. It's a crime that stems from a person's culture, ethnicity, or even a long-standing tradition. Women are viewed as the property of male families, representing the males to whom they "belong." Women's bodies are regarded to be the receptacles of family honour. The ideas of male rank and family status are particularly relevant in communities where "honour" killings occur and women are considered as responsible for safeguarding a family's "honour." If a woman or girl is guilty or accused of engaging in behaviour that jeopardises the status of a man or family, she may face harsh retribution from her families, which often results in violent murder. Even if the charges aren't backed up by facts or evidence, the mere notion of dishonour against a woman is enough for family members to take action. Presumptive dishonour is frequently caused by the following behaviours, or suspicions of those behaviours:

The following are some examples of actions that are strongly tied to honor-based violence:

- Falling victim to rape.
- Loss of virginity outside marriage
- Infidelity.
- Pre-marital pregnancy.
- Having unapproved relationships.
- Asking for divorce.
- Refusing an arranged marriage.
- Asking for custody of children after children.
- Leaving the family or marital home without permission.
- Causing scandal or gossip in the community.

## **II. REASONS FOR HONOUR KILLING**

**(i) Rigidity of Caste System** The most obvious reason for the practise of honour killing to persist in India, albeit at a much higher rate nearly on a daily basis, is that the caste structure remains strict at its best, and that individuals from rural areas refuse to change their attitudes toward marriage. <sup>20</sup> As a result of their fear of losing their caste status, which provides them with numerous benefits, they perpetrate this horrific crime. According to a poll, caste-based honour killings account for 75% of honour killings in Hindu families.

**(ii) Refusal for an Arranged Marriage:** If a girl defies her parents on the matter of marriage and marries a man of her choice from a different gotra or caste, the family's

honour is jeopardised, and the daughter is sentenced to death.

**(iii) Marrying within Same Gotra:** Same gotra marriages are frowned upon by khappanchayats, who believe that same gotra boys and girls are like brothers and sisters, and hence their marriage goes against old norms and traditions. Even though sagotra marriages are not outlawed under the Hindu Marriage Act, 1955, young couples who flout these khaps standards suffer the wrath of these panchayats, which can result in death.

**(iv) Inter-Religion Marriages:** There are distinct laws and traditions surrounding marriage in different parts of India, as well as variable degrees of banned partnerships. Along the north/south split, this is very visible. Traditional marriage rules in most parts of north India retain caste endogamy and follow the gotra or got exogamy rule. The majority of caste communities, whether higher or lower castes, practise exogamy. A person could not marry into his or her own gotra, his or her mother's gotra, his or her father's mother's gotra, or his or her mother's - mother's gotra. The last bar, though, isn't ubiquitous, and the constraint appears to be diminishing.

Another common motivation for honour killing is a religious difference between the husband and wife. Despite the fact that the law of the nation (The Special Marriage Act, 1954) makes such weddings lawful, Indian society continues to reject them on a variety of levels.

**(v) Allegations of Pre-Marital and Extra-Marital Sex:** The girl should be virgin at the moment of marriage, according to our religious and societal beliefs. Not only is pre-marital sex or relationship forbidden, but also post-marital sex or relationship with a person other than her husband is regarded an immoral act for which the societal punishment is the murder of that woman for the sake of the family's honour.

**(vi) Live-in-Relationship:** One of the causes for honour killing is living in a relationship. Despite the fact that the Supreme Court recently allowed live-in relationships in Khushboo's<sup>24</sup> case, the court stated that a major girl is legally free to marry or live with whoever she wishes. In India, however, live-in relationships are not morally acceptable. To live together as husband and wife, marriage is required. Daughters in Indian society are not afforded such liberties. If someone does this, it is considered an unethical crime that brings shame to the family and is punishable by cold-blooded murder of women.

**(vii) Utilizing Dress Codes Unacceptable to the Family or Community:** Honour killings may arise as a result of changes in women's cultural position. Dressing in an unsuitable manner for the family or community, as well as conversing, meeting, or dating men, may be considered bringing disgrace to the family or group.

### III. HISTORY OF HONOUR CRIMES

Honour killing is an old practise that predates all documented faiths. Women and their chastity were once seen to be a symbol of family honour in desert cultures. The concept that a male has a duty to safeguard the honour of his entire family by executing any female relative participating in an illicit sexual connection arose from the practise.

Acts such as marital adultery, flirting, premarital sex, filing for divorce, being raped, falling pregnant, or failing to serve a meal can all impact a family's honour today. Honor killing today embodies the same old belief that a woman is a property of her male relatives, representing their family's social rank and pride, and it has a major social dynamic. Honor killing is also vulnerable to culturally influenced rules and customs that create exceptions to traditional concepts of justice.

Honour killings have become entrenched and widespread in numerous parts of the world throughout time. In India, honour killings have been reported in the northern states of Punjab, Rajasthan, Haryana, and Uttar Pradesh, to name a few. Honor killings, on the other hand, are less common in South India, Maharashtra, and Gujarat, yet they are not completely absent.

In many nations, the law allows honour to be used as an excuse or mitigating reason for murder, allowing offenders to escape punishment or obtain lesser terms. The mere suspicion of a dishonourable behaviour by a male relative is sometimes enough to legitimise an honour killing.

Because these crimes are largely unreported, the exact number of people killed each year is unknown. According to data from the National Crime Records Bureau, 251 honour killings were registered in India in 2015. However, activists believe this figure is understated due to misreporting of deaths as common murders.

### IV. EFFECTS OF HONOUR KILLING

Honour killing does not discriminate between men and women. Men are also brought in as honour murdering victims. It makes no difference whether the victim is a man or a woman; if they have violated or brought the family's name into disrepute, they will be slain by family members. Honor killings, on the other hand, are not exclusive to women. It also applies to guys. When men break the rules, women's family members or male family members usually band together to kill them. The male plays a larger part in the execution of honour killings. If the crime is committed, the male descendants of the family join a group to kill the victim, especially if the victim is a girl. It makes no difference how close they were to the victim or how much love they had for them; if they crossed

the family's boundaries, they killed the victim. In other circumstances, women are also involved in the committing of honour killings. They work along with the male descendants to carry out the crime. They play a part in upholding the bounds of sexual norms and, if the victim is her daughter, they intend to murder her. However, while males are victims of crime, females are disproportionately harmed since society's accusations and comments are more severe in the case of women, prompting the women's families to become involved in the crime. In some situations, both the man and female would be slaughtered without regard for their feelings. Because they kill family members without mercy, this act is also known as a heartless crime.

### V. THE LAW ON HONOUR KILLINGS

There is no specific legislation in India that addresses the horrific crime of honour killings, nor are there any possible sentences. Honour killings have serious societal consequences. Despite the fact that all religions condemn honour killings, the cultural context promotes them as a vital part of faith. As a result, one of the most strong kinds of popular support for honour killing is faith. Suicide and homicide are both big offences in India, and honour killings are no exception. Culpable homicide is dealt with under Section 299 of the Indian Penal Code, whereas culpable homicide amounting to murder is dealt with in Section 300. The Indian constitution guarantees everyone the right to equal treatment under the law or equality before the law (Article 14). Ordinary courts have jurisdiction over everyone, regardless of position, status, or gender. A corollary of the first is the term "equal treatment of the rules." As a result, the right to equality has been declared a fundamental component of the constitution. As a result, honour killings were a flagrant breach of the fundamental right to life granted for public safety. As previously stated, honour killings are primarily directed at women, resulting in gender prejudice.

Article 15(1) prohibits the state from discriminating against people merely on the basis of their faith, ethnicity, sex, caste, or place of birth, or any combination of these criteria. The right granted in article (1) is conferred on a citizen as a person and protects him from discrimination in matters relevant to his rights, privileges, and immunities as a citizen in general." Wives and daughters are expected to be subordinate, if not servile, to their fathers and husbands in many communities across India where honour killing is endemic. Following an upsurge in the number of honour killings in recent years, the Indian government has recommended revising the Indian Penal Code (IPC) to include an honour killing deterrence statute. Only during the monsoon session did the government seek to propose reforms to Parliament.

Despite Cabinet differences on how to combat the destructive tradition of "honour killings," the Centre government resolved to consult the States and suggest legal revisions to address the problem.

### 5.1 Supreme Court View on Honour Killings

In the case of State of Uttar Pradesh vs Krishna Master & ors<sup>1</sup>, the Supreme Court sentenced three people to life in prison for killing six members of a family in an honour killing, but claimed the accused deserved to be executed. The Supreme Court, on the other hand, declined to condemn Master Krishna, Ram Sewak, and Kishori to death, citing the fact that the incident occurred more than two decades ago, and rebuked the High Court for acquitting them by disregarding the testimony of a child and other witnesses.

The next case in the series is Lata Singh vs. State of Uttar Pradesh and Others<sup>2</sup>, in which a two-judge bench expressed outrage over several incidents of abuse, intimidation, and aggression directed at young men and women who marry outside their caste, holding that "Such acts, threats, or harassment are completely unconstitutional, and those who commit them must be punished in a variety of ways." "Inter-caste marriages are in reality in the national interest since they will result in the eradication of the caste system," the Bench concluded. "When a person reaches the rank of major, they are free to marry anyone they wish. If the boy's or girl's parents do not approve of such an inter-caste or inter-religious marriage, the most they may do is cut off social links with their kid; nevertheless, they cannot threaten, execute, or encourage acts of abuse, or harass the person who is involved in such a marriage. As a result, the Bench ordered that "whether any boy or girl who is a major marries a woman or man who is a major, the couple is not harassed by anybody or exposed to threats or acts of violence, and anyone who gives such threats, harasses, or performs acts of violence is either damaged or murdered."

The problem with honour killings in the United States is that, despite numerous accounts of couples being slain for bringing 'dishonour' to the family name, none of these incidents are ever reported. The handful that are documented are buried beneath a mountain of ongoing lawsuits in the courts of justice. When hearing ten cases involving young couples ages 18-21 at the same time, Justice K.S. Ahluwalia of the Punjab and Haryana High Court said, "The High Court is swamped with petitions where justices of this Court have to answer for the rigours of this Court."

The government is a deafening silence. Where can the state wake up, and how long can settling such instances provide solace and salve to the courts?" The irony is that the state system is unusually immovable in cases of honour killings. In the face of the atrocity of honour killings, the governmental machinery, namely the

army, must be more pragmatic than reactionary. The instances are frequently classified as suicides, and as a result, little is done to ensure that the matter be heard in court. Police officers are seen as intimidated, and they frequently collaborate with the region's most prominent families to deny victims justice.

## VI. CONCLUSION AND SUGGESTIONS

If a family member is unhappy with the young men's or women's marriage, the most they can do is cut off their social ties with them, and honour killing does not bring honour to the family. However, the family members are unaware of this reality. Because life is a creation of God, he should have the last say over who lives and who dies. Where a deity has brought a human into the earth, it is in his hands to take them out. Family is vital, but killing a member of the family is not. It is quite safe to prevent honour killings because it is the couple's life that is being decided, and it is in their power to live together or separate. No one has the authority to take another's life or liberty. Because the next moment of life is unpredictable, it is always best to enjoy life to the fullest with joy and happiness. As a result, it is preferable to follow the Live and Let Live policy.

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