

Honor Killing and Its Causes in Indian Panorama

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Abstract-

India has seen a paradigm shift in societal values and principles as a result of being caught between an ancient culture that dates back several millennia and industrialization and globalization. Newer generations have continuously been exposed to liberal thinking through international media, which has led them to question the standards of the old society that have been imposed by severe vigilance. Honor killing is arguably the most horrific of all the various crimes of honor that take place. Honor killing has some distinctive characteristics that make it even more horrible than murder, despite the fact that some of its criminal elements may overlap with those required for murder under a country's legislative models. The victim of an honor killing is typically not a stranger but a member of the victim's own family or social circle. In many instances, the attacker is a brother, father, mother or any other relative whose cultural obligation originally was to shield the victim from harm. The perpetrator of these crimes acts solely out of an abstract wish to rid the family of the member who has brought dishonor, with no consideration for financial gain. This perceived disgrace is typically a result of the male family members feeling powerless over a female family member's sexual activities. The idea of masculinity is supported by a concept of 'honor' of a man, a family, or a community, and is intrinsically tied to policing female behavior and sexuality in many rural countries where education is valued less than family standing.¹

Keywords-Honor Killing, Indian Culture, Customs, Caste-system, Horrible crime and dishonor.

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Meaning of Honour Killing - The notion of honour has fundamental importance in collective societies since the dishonorable conduct of an individual reflects upon the rest of the family members or community.² Honour is linked with each family members and community. In collective societies family is the core unit that the individual identifies with and is naturally a powerful institution. Since ancient times, family, community, and societal traditions and practices have been deeply ingrained with the concept of honour. Males are regarded as the guardians of family honour because they are seen as having the power to control how both men and women, and especially women, perceive honour. The actions and behavior of a lady affect the entire family. She will be viewed as the family's icon. The women's chastity determines the honour of the entire family. Males should keep an eye on women's activities and be responsible for controlling their sexuality. Acting violently towards women demonstrates men's dominance. It has been noted that women convey the values of honour and reputation in a family, community, and religion in every society.

In a patriarchal social structure, men are the family's head, have power over the women, and are viewed as being superior to them. Family members who are women are viewed as lesser and weaker and require the control and protection of men. Women are traditionally viewed as products and commodities, not as human beings with the same rights as men, and their actions are deeply rooted in family honour. Her behavior and chastity are regarded as the guardians of the family's honour, making them valued and priceless in the community and society. Women are in charge of upholding the honour and dignity of the entire family. In order to re-establish the family and community honour as well as to maintain the customary family practices whereby members murder their own daughter, wife, and son, when women or girls commit actual or perceived behaviour for violating the family's honour code or are suspected of acting inappropriately, these acts will be considered as dishonor of family, community.

Indian society is "a multicultural and pluralistic where lot of beliefs and faith regulate the human life of the individuals. As we have multi-religious society and many religious gurus, social reformers guides the society their and create influence is observed over Indian culture. The Indian spiritual holy books i.e., The Bhagvat Gita, The Mahabharata, The Ramayana, The Quran, The Bible, etc. have been model of thinking pattern on Indian

¹RadhikaCoomaraswamy, 2013, 'Violence against women and crimes of honour', UN special Rapporteur

²Amir H. Jafri, "Honour Killing dilemma, Ritual, Understanding" publication, Oxford University press, first edition, 2008, P. 23

society. The caste system as well as tradition patterns have conclusive religious influence over the individual. It is observed that, honour is the most precious thing in Indian society. It varies from culture to culture, religion to religion and place to place. Women in all societies are the transmitters of history, custom and traditions of their community.” Significance of family honour is considered as ideal and cultural family unit in the society. Manu, the famous law giver said³ “where women are honored there the God dwells”. Women are typically the victims of honour crimes committed by family members in patriarchal settings. Male victims of honour killings by family members do occur occasionally. That is one way that masculine dominance is expressed. Violence against women and girls is pervasive. It transcends all barriers of nationality, income, class, religion, and caste. Justice K. Ramaswamy said “Indian women have suffered and suffering discrimination in silence self-sacrifice and self-denial are their nobility and even then they have been subjected to all inequalities and discrimination”⁴

Definition of Honour killing - In the Indian panorama, it is also possible to assert that using force to defend oneself against dishonor is not only encouraged but actively expected. Hence, as a cultural practice, honour killing has both supporters and opponents. Some people think that cold-blooded murders are what honour killings really are. A significant portion of society, however, views the action as holy and pure, an honest and duty-bound attempt to restore the families or the community's damaged or lost honor. For them, murdering someone for the sake of their family's or their community's honor is not a crime but rather a noble deed since only after the 'purification of the family' that results from such murder can an honorable life, a life worth living, be considered.

Honour killing also referred to as 'customary killing' or 'Domestic public violence' According to The Black's Law Dictionary honour killing defines⁵ “A crime motivated by a desire to punish a person who the perpetrator believes has injured a person's or group's sense of honour.” Honor killing is neither specifically defined by law nor is there any other term that could be said to have widespread acceptance. Yet, human rights organizations and experts have not offered many reasons of honour killings. Honor-based violence, honour crimes, and violence based on honour rules are all terms used to describe the notion of honour killing, which is a complicated idea, “...since they have many variants of definitions...”⁶ The researcher has used the terms 'honour killing', 'honour based violence', 'honour crimes', 'shame culture', 'honour codes', 'codes of honour' interchangeably. Basically, honour killings violate the human rights of the victims; their right to life. The right to life is the fundamental right of human beings, it is basic to all human rights and without it all other rights are meaningless. In fact all other human rights hold relevance only when the right to life is recognized. The term 'life' has been interpreted exhaustively by courts across the world among various nations to include the right to livelihood, health, education, environment and dignity.

Human Rights Watch defines 'honour killings' in these words: “Honour Crimes are acts of violence, usually murder, committed by male family members, against female family members, 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 arranged marriage, being the victim of a sexual assault, seeking a divorce- even from an abusive husband or allegedly committing adultery. The mere perception that a woman has behaved in a way that 'dishonors' her family is sufficient to trigger an attack on her life.”⁷ The United Nations describes honour killing as a 'growing problem', and says authentic data on incidences of honour killings are difficult “because killings are rarely reported to police, and families often 'cover up' the crime, disguising it as an accident or suicide.”⁸

Honour killings are incidents of murder in the name or in the belief of preserving honour of the family or community. An honor killing in principle is the homicide of a member of a family or social group by other members, due to the perpetrators' belief that the victim has brought shame or dishonor upon the family or community, for reasons such as refraining from solemnizing an arranged marriage, being in a relationship that is looked down upon by the community, having sexual relations outside of the wedlock, becoming the victim of rape, adopting mannerisms and behaviour deemed to be against the order of nature, such as homosexuality. The smallest unit in the society is a family. Each family has its own concept of honour, based closely in the society

³Dr. R. Revathi “Law relating to Domestic Violence” Publication, S. P. Gogia, (H. U. F.), Haritha Graphics, Hyderabad, Edition, 2004, P.17, Manu Sumrithi III, 55 in Dwarakanatha Mitter, The Position of Women in Hindu Law, (1984) 127

⁴Madhu Kishwar v. State of Bihar, AIR, 1996 S.C. 1864

⁵Bryan A. Garner (ed), Black's Law Dictionary, Ninth edition 2009 P. 428

⁶Linda Edvardsson, “Crimes of Honour- Females' Right for Support in the Multicultural Society” 7 (2008), available at: <https://muep.mau.se/bitstream/handle/2043/6820/1%2B2%2B3.pdf?sequence=1&isAllowed=y> (Last visited on October 20, 2018)

⁷Anand Kirti and Prateek Kumar et. al., “The Face of Honour Based Crimes: Global Concerns and Solutions”, 6 International Journal of Criminal Justice Sciences 344 (2011)

⁸“Why do families kill their daughters?”, available at: <https://www.bbc.com/news/world-asia27619>

and culture that they have been brought up in and live in. To murder in the name of such belief of preserving honour, would amount to an honour killing.⁹

Honour killing as a burning issue in Indian Panorama - Honour killing is a burning issue in Indian Panorama. It has become a stigma on the Indian society because this horrible crime is not confined to fair-sex but males are also victim to this social evil. Girls frequently lack the freedom to wander aimlessly outside of the home. After finishing their school, college, or work hours, they must go home immediately and stay inside for the rest of the day. Additionally, it is not unusual for girls to be completely excluded from educational opportunities due to their gender. Consequently, a connection between forced marriages and honor killings can also be made. A long-standing custom of selecting the groom for the house's daughters has continued in Indian society. To select an appropriate match for the girls of the home, gatherings are planned with families of same profession, caste, location, social standing, and the like. Following the meeting, the girls in some families either select their own husbands or agree to a "willful arranged marriage." If the same is refused to them, on the other hand, they are pushed into an arranged marriage. Forced unions may or may not turn out to be happy occasions. In the event that a forced marriage is unhappy, girls can endure very tough lives marked by marital rape and hostile circumstances. In order to avoid this, girls try to choose their own husbands, which frequently has unfavorable outcomes. It is appropriate to state that actions brought on by a person's feeling of honor lead to murder or other violent crimes. Honor is subjective. It is a relative expression that is reliant on cultural belief. It is a vague notion that has to do with how valuable and respected one is in comparison to others in society, usually in opposition to oneself.

However, not just women experience the worst consequences of honour killings. Males can also unintentionally kill males in retribution against the female victims, as has been reported in countless occasions. One typical instance would be wedlock outside of the caste barrier. The daughter is frequently killed alongside the male family member in such situations. Strong data also suggests that many men have been wronged due to their gay tendencies. Another pressing issue is the possibility that homosexuality, the topic of recent vehement debate on its constitutional legitimacy could be used as justification for honor killings.

Root Causes of Honour Killings in India – There are various causes of honour killings in India. In Indian panorama multiple factors are responsible for this horrible offence which can be discussed in the following heads; **(i) - Predominance of Patriarchy in India** - This is a common cause for this evil prevalent in India. Patriarchal societies are ones where the male is predominantly superior in comparison to all the females in the family. The man holds a supervisory and decisional role over and above all the freedoms and liberties that are to be exercised by the females in the family and the women are supposed to be following the instructions of the male members of the family.¹⁰ In such societies, the girl child is nothing but the property of her father if not her grandfather, and her father or grandfather varying with the case has full authority to decide what course of life the females of the family are expected to take in life. The females have no political, cultural or economic rights whatsoever.¹¹ After she is shifted from the household of her father, she is to be treated as the property of her husband for the remaining period of her life. Such are the characteristics of the patriarchal society and its imposition over the women of the household.¹² In all cultures and countries and customs where honour crimes are accepted, there is one commonality and that is of the patriarchal setup of society. In these societies more than male dominance over females is the concept of older men having control over the younger women and men of the household.¹³ The difference in how younger men and women are treated is that through time, the men in the families come to possess the same status as the male head figures of the family thanks to their authority over the ancestral properties. There are various degrees and methods of honour killings that can be experienced in a patriarchal society. As we have discussed above, one of the main characteristics of a patriarchal society is a blatant and controlling role played by the father of the child apart from other male members.¹⁴

The majority of honour crimes performed in these types of social institutions include outright acts of violence, in which the male family members of the girl's or, occasionally, the boy's family murder the couple or the individual who has brought shame upon the family. However, in some instances, the alleged dishonoring

⁹ Honor killing: Definition and More from the Free Merriam-Webster Dictionary". Merriamwebster.com. December 31, 2013.

¹⁰ Malti-Douglas, Fedwa (2007). Encyclopedia of Sex and Gender. Detroit: Macmillan. ISBN 0-02- 865960-0.

¹¹ Ferguson, Kathy E. (1999). Patriarchy. In Tierney, Helen. Women's studies encyclopedia, Volume 2. Greenwood Publishing. p. 1048. ISBN 978-0-313-31072-0.

¹² Giddens, Anthony & Griffiths, Simon (2006). Sociology (5th ed.). Polity. p. 473. ISBN 978-0-7456- 3379-4.

¹³ Boynton, Victoria & Malin, Jo, ed. (2005). Patriarchy. Encyclopedia of Women's Autobiography: K-Z. Greenwood Publishing Group. p. 453. ISBN 978-0-313-32739-1

¹⁴ Pateman, Carole (1988). The Sexual Contract, Stanford: Stanford University Press, p. 207.

member is forced to commit the criminal act on herself or himself rather than being directly injured. For example, in some instances, the girl is urged to harm her essential sexual organs, end her life, or commit infanticide on her own child. Hence, because of the excessive pressure and dominance that men in patriarchal families exert upon the females can vary in directness in the commission of the crime. There are also incidents of acid attacks and sati that have been practices in certain areas and are all prohibited by the law.¹⁵

These are incidents where not only the child, but the mother of the girl child is put through excruciating circumstances for giving birth to a girl as opposed to a boy and thereby affecting the family's honour. Certain women who are unable to give birth to a male child also face dire consequences in a patriarchal family. Such are the nature of honour crimes that it becomes difficult for the investigation authorities to determine whether there was a crime at all or not.¹⁶

Most of these offences are committed within the parameters of one's home and in all eventualities the offenders have the support of most of the family members, hence it becomes difficult to obtain all evidence to successfully prosecute the wrongdoers.¹⁷ In such circumstances it becomes really difficult for the prosecution to establish that the crime was not a suicide but in fact a murder.

(ii) - The Sense of Shame and Intolerance in Indian Culture—Urban areas and rural areas are developing at different rates, whilst at the same time the gap in the amount of information that is available to the rural and urban population of India is not too wide. Because of this while the life in urban cities is liberal and youngsters can take independent decision, in the rural areas the stigmas of age old beliefs still looms in the older generations while the younger generations try and break free from these shackles that they consider to be backward. The inevitable result of flouting the customary age old practice to make one's own independence is frowned upon in rural areas, and varying with the degree of rebellion the consequences are determined. For instance the caste system is still followed very religiously in most villages, in Haryana the act of marrying another in the same village or gotra is vehemently frowned upon, in Rajasthan marrying outside one's community is looked down upon, etc.¹⁸ In rural areas, lawlessness is also more prevalent. While in urban localities honour crimes are not quite meted out, but ostracizing of the member who brings dishonor is more common; in rural areas family members use grave inhumane means to mete out punishment to the offender. Right from hanging by the neck, to being placed in tyres and being burnt alive, being hacked to death and beheaded in broad daylight to throwing acid on another's face; all is but common.¹⁹

(iii) Caste based Discrimination - The effects of the patriarchal structure in Indian society have been carefully studied. Along with the patriarchal structure, the caste system, which has long existed in the Indian system, poses a significant obstacle to the growth and expansion of the Indian mind. The four primary groups in Indian society were Brahmins, Kshatriyas, Vaishyas, and Shudras. the untouchables known as Shudras, the god-worshippers known as Brahmans, the warriors known as Kshatriyas, the businesspeople known as Vaishyas. This advanced age assured that the offspring of the Kshatriya would become warriors, the offspring of the Vaishya would become businesspeople, and so on. The Brahmins being the god worshippers enjoyed special status and had things very easy for themselves. The shudras on the other hand were in charge of sewage and had the lowest rung of work to do. They were considered untouchables and had the toughest life of the four castes.²⁰

They were looked down upon by all the other castes and were treated even worse than animals. In context of their status much did not change over many years. The four castes over a period of time reflected upon the background of an individual and expressed his social status. There was a certain amount of pride and shame attached to one's caste. While the three castes of Brahmins, Kshatriyas and Vaishyas intermingled to a greater extent, the lives and times of the Shudras still continues be absolutely shameful.²¹ This is in spite of the fact that one of the most important individual of the constituent assembly of India responsible for drafting the Constitution of India belonged to a scheduled caste, and untouchability been expressly declared an offence, the minds of the people still hasn't changed. Nobody in the rural areas or in many instances even the urban areas wishes to interact

¹⁵Bachan Singh v. State of Punjab [(1980)2SCC684]

¹⁶Macchi Singh v. State of Punjab [AIR1983SC957]

¹⁷Kehar Singh &Ors v. State (Delhi Admn.) [1988AIR1883]

¹⁸Mayell, Hillary. Thousands of Women Killed for Family "Honor. National Geographic.

¹⁹ State of Uttar Pradesh v. Anil Singh [1988AIR1998] 14 Kshatriyas being the warriors; Vaishyas being the businessmen and shudras

²⁰Jaffrelot, Christophe (2006). The Impact of Affirmative Action in India: More Political than Socio-economic. *India Review* 5 (2): 173–189.doi:10.1080/14736480600824516.

²¹William A. Haviland, *Anthropology: The Human Challenge*, 13th edition, Thomson Wadsworth, 2010,ISBN 978-0-495-81084-1, p. 536 (see note 9).

with the scheduled castes. In a patriarchal society plagued by a burdening caste system, the particular merging class that has it the worst is the females born into dalit families. Even the girls that belong to the other castes, when found in a relation with a man of the untouchable class find themselves in a horrific situation.

While Hindu society is not alone among faith communities that have seen unjust social hierarchies, Hinduism is distinct in that it is premised on concepts of While Hindu society is not alone among faith communities that have seen unjust social hierarchies, Hinduism is distinct in that it is premised on concepts of inherent divinity of all living beings, and that Truth is not the exclusive property of any particular community, organization, or belief system. Hinduism also has a diverse scriptural tradition and small portions of texts called the Dharmashastra outlined social laws, some of which codified caste-based discrimination. It is unclear as to whether the injunctions found in this body of texts were prescriptive or reflective of contemporary social practices or both. Dharmashastra are many in number, often times contain contradictory injunctions between and within texts, and are not recognized as divinely revealed, as is the case for the Vedas. Most importantly, the Dharmashastra are understood to be bound by time, space, and circumstance.²²

Caste violence too is almost entirely driven by political and economic factors, rather than religious ones. Not surprisingly, caste tensions often increase around election time as politicians exploit the issue to get votes. The inextricable intertwining of opposing political parties representing the interests of various castes, for instance, landlords and landless laborers, also feeds such tensions. It is important to note that violence occurs not between “forward” castes and SCs, but rather largely between “backward” castes and SCs, as well as amongst SCs themselves. Inter-caste violence also occurs within non-Hindu religious communities, and caste-based discrimination occurs among all religious communities today, including Christian and Muslim. The conditions surrounding the lives of the lower caste are appalling. They are not allowed to drink from the same water pump, eat in the same vicinity, and use the same crockery for eating, worship in the same temples, and cycle in the village. More often than not, they are forced to live on the outskirts of the town or village because no one within the town or village is ever willing to provide them with accommodation.²³

For instance, Article 17 prohibits untouchability; and Article 46 creates constitutional provision for the protection of dalits from social injustice and all forms of exploitation. And deriving its power from the said Article, the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, was legislated in furtherance of the object laid down under article 46. The laws and enactments are in place; however, the problem that continues to bother the public is the lack of the implementation of these laws by the executive wing of India. It is in fact, and a petrifying discovery that, it is the executive forces of our country that are responsible for most of the qualms faced by the dalit community. This in fact shows that the caste system is deep rooted into the Indian mind. And in many instances, even if the family members are supportive of the marriage into a dalit household, there is extreme pressure from society that forces the withdrawal of assent in such cases. Unlike the females from the upper sectors of society, when women from the lower sectors of society report crimes inflicted upon them, they are rarely given much media attention.

(iv) - Gender based Inequality in India -It would be impossible to reduce honour killings to a single underlying factor. The current scenario is the outcome of a number of historical social divisions and circumstances. It is impossible to overlook the effects on society of wealth inequality, religious divisions, caste-based divisions within religious divisions, and geographical and cultural differences. Numerous issues are caused by the built-in patriarchal system that favors men over women and the outdated perceptions that keep the two sex-based categories apart from one another. In addition, girls are frequently married off at an early age, which only ensures that they will be mistreated and abused by immature boys and their families. When it comes to dalit women, this effect is amplified.²⁴

Sex is considered to be a taboo subject in most societies. People often overlook that sex is in fact a very natural process of human existence, and all creatures alike have sex. It is treated in our society as a taboo topic and is never discussed in public. Sex is treated as a mechanism from reproducing babies and not for the natural pleasure that accrues from engaging in it. This has resulted in widespread conservation of females in the family and consequent frustration in the male members of the society.²⁵ On the occurrence of such a high level of

²²PremChowdhry. Caste panchayats and the policing of marriage in Haryana: Enforcing kinship and territorial exogamy Contribution to Indian Sociology (January 2014), 38 (1-2), pg. 1-42

²³Human Rights Watch (1999). Broken People: Caste Violence Against India's Untouchables, New York: human Rights watch

²⁴Uma Chakravarti, 2012, From Fathers to Husbands: of Love, Death and Marriage in North India, in Honour crimes, eds Lynn Welchman and Sara Hossain, op. cit., pp. 308-331,311

²⁵vanHooft, Jenny H. (March 2011). "Rationalising inequality: heterosexual couples' explanations and justifications for the division of housework along traditionally gendered lines". Journal of Gender Studies 20 (1): 19–30.

frustration male members are often sexually driven to commit offences. Girls on the other hand want to break free from the shackles of these age old customs and want to make their own decisions based on the information available to them. This has had an adverse impact on the position of women in the Indian society.²⁶ These differences in proximity and interaction between members and units of the Indian society are one of the root problems of all the socio economic problems in the country. Men have a very wrong perception of women and vice versa.

To be concluding, honour killing is a horrible offence deeply prevalent in Indian society and culture. India is a social system plagued by medieval perceptions of the opposite sex, and further burdened by a caste system to divide these existing divisions further to create a complex situation involving a multitude of divisions and deep ignorance among various quarters and aspects of our day to day lives. The result of these divisions and ignorance is the incorrigible social framework of India. There is an urgent need to enact the definite legislation in order to check and control this socio-legal evil of honour killing. The Indian Parliament should take initiatives in order to remove this deeply rooted horrible offence.

²⁶A Ali (2001) Choosing a Life: “Crimes of Honour” in India: the Right to If, When and Whom to Marry, a view from Uttar Pradesh and Rajasthan, available at www.soas.ac.uk/honourcrimes