

Problems of Honour Killing In India

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Abstract: Honour killing has not been defined anywhere or in Indian Penal Code or in any other criminal law. The so called “Honour Killing” is murders by family of family members who are believed to have been brought “Shame” on their family name. The apparent “Shame” could be caused by the victim refusing to enter into an arranged marriage or for having relationship that the family considers to be inappropriate. Some victims are driven to suicide owing to pressure of their family.

INTRODUCTION

The ideology of honour being a gendered notion in India, both men and women embody notions of honour in totally different ways. Women are the repository of the family honour as a daughter, wife and mother while man regulates it. Honour is presumed to be a female linked commodity coupled with the male right to ensure that she does not jeopardize its balance at any cost. Upon this social perception of the man's creative ability, the whole notion of honour is built. Subordination of women is proportionately related to caste hierarchy. Higher the constraint on her, the higher is the caste in the so called hierarchy. Control is exercised over her sexuality through arranged marriage, child marriage, prohibition of divorce, strict monogamy and ban on widow remarriage including strict seclusion of the widow. Being a woman is rendered an object of protection and violence at the same time. The fear of losing this honour makes the men rationalize and justify masculine aggression and violence against her.

The word “Honour Killing” is wrongly used of who were murdered by their families for the honour of their families because society and the country is not giving any honour to the persons who have brutally murdered their children and no honour should be given to such accused persons who without any reason and only on this account that their children's marriage was inter caste, murdered their son or daughter or both. Honour crimes may occur as a result of inter-caste marriage, inter-religious marriages, marrying within the same gotra, premarital affairs, inter-class marriages, marriage against parents' wishes and so on. Most of the honour killings have been reported from those areas where Khap Panchayats are more active. The existence of Khap Panchayats has been justified in the name of preserving the honour and values of the community and to uphold the sanctity of age-long customs and practices by regulating the conduct of people.

We are living in a democratic and civilized where dowry problem is increasing day by day. Therefore if a major girl marries a major boy of other caste or religion it should be encouraged to solve dowry problem. In this respect judgment passed by the Hon'ble Supreme Court in case of Lala Singh v. State of U.P(AIR 2006 SC 2522), of the Indian is relevant. In this case the Supreme Court held caste system in a marriage is a curse on nation. Inter-cast marriages will result in destroying caste system and therefore such marriages are in national interest.

Under the Indian law no separate sentence has been prescribed for “Honour Killing” in Indian Penal Code or in any other criminal law as offence under Section 304 of the Indian Penal Code which relates to Dowry death. In the early eighties when dowry deaths increased in number and evidence was found in sufficient to convict the culprit under Section 306 IPC for dowry death, Section 113-A was incorporated in the Evidence Act in the year 1983 and thereafter in the year 1986 Section 304 B was included in the Indian Penal Code and Section 113 B was added in the Evidence Act to punish the culprits of dowry deaths. This is notable that Section 304 B IPC is very wide and includes incidence of death occurring otherwise of natural circumstances. Thus, according to Section 304 B of IPC death can be suicidal or homicidal but such death should be related to the demand of dowry. Similarly, there should be provision in Indian Penal Code for Honour Killing and for Honour killing severe punishment like death sentence should be provided and its definition should include murder and suicide also which occurs due to harassment and violence committed by the culprits. Cases of Honour Killing can thus be curbed and socially culprit should be condemned and boy cotted by the society.

Thousands of young people in India have been done to death every year owing to honour killings linked to forced marriages and the country needs to introduce stringent legislation to deal firmly with the heinous crime. In Haryana, Rajasthan and Delhi region, an estimated hundred young men and women are killed on the orders of so-called “Khap Panchayat”.

According to the 'conservative' khap panchayat, marriage between people of the same village is considered incest as they are siblings and hence these marriages are not valid. So the panchayat orders the murder of the couple and hangs their body in the village crossing as an example to other straying couples. In India, with its patriarchal society, women are considered as property and the vessel of family's honor. And any act which might blot the family's prestige renders an absolute right to the male members to murder the girl, undo her wrongs and win back the honor. Such crimes as well as such criminals have been breeding under the political blessings of the political parties mainly interested in the vote banks of these villages and the support of the khap panchayat.

CONCLUSION

Honour Killing is considered to be a crime that threatens the unity and harmony of the community and it acts as a brief preventing woman from progressing in their lives. Honour killing is different from the dowry deaths that are also a very common practice in India as, in the case of dowry deaths, the perpetrators of that action claim that they have not been given enough material rewards for accepting the woman into the family. In that case there is a lot of harassment from the in-laws and more times than one, it has been noted that the wife commits suicide rather than being killed by the in-laws, though it has to be said that she has been mentally killed, if not physically. The solution to this problem mainly lies in the mentality of the people. It needed to be changed, parents should accept their children's wishes regarding marriage as it is they who have to lead a life and parents have to have to understand the definite sense of honor.

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