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With this thought, we hereby present to you

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Analysis of Honour **Killing in India**

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Analysis of Honour Killing in India

By: Dishna Wilson

Are caste and religion still a problem in modern India? Looking upon the crimes, especially in the rural areas, the statistics prove that these factors affect the day-to-day life and personal choices of an individual till date. While crimes relating to these aspects still exist, the article will be focusing on a specific spine-chilling category, HONOUR KILLING. Honour killing can be defined as an act of killing an individual, by their own family members because they have caused disgrace to the family. The term “disgrace” can be subjected to when a woman involves in adultery, chooses her own partner, decides to work after marriage, gets involved in pre- marital sex etc.¹ There are many aspects through which this crime can be evaluated, but there are some important cases that need to be looked upon.

300 plus honour killing were reported in the last three years, one of the landmark cases was, Smt Chandrapathi vs state of Haryana and others (commonly known as Manoj Babli case)² Civil writ petition no 10872 of 2014.

On 26th April, Babli’s parents filed a case against Manoj for kidnapping their daughter. On 15th June both of the parties appeared in the court and testified that they were married under the Hindu Marriage Act 1955. HC Jeyinder (police official) was in constant contact with Gangaraj (main accused) and leaked information about the details of both the victims. Eventually they were murdered, Babli’s mother was also arrested. The court even asked the Haryana Government to compensate Chandrapathi with Rs 1,00,000. All of the five accused were charged with punishment of homicide.

P Pandithurai vs state: (Crl.O.P. No.16961 of 2016 & Crl.M.P. No.8148 of 2016)³

1 COMPILATION OF LANDMARK JUDGMENTS OF HIGH COURTS OF INDIA ON FAMILY MATTERS (Madras High Court, High Court of Delhi, High Court of Karnataka, High Court of Kerala & High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh);

Available at:

<http://ijtr.nic.in/family%20matters/High%20Court%20Judgments%20Book%20in%204th%20Regional%20Conference.pdf>

2 Urishant: Honour killing in India;

Available at <http://www.legalserviceindia.com/legal/article-1014-honour-killing-in-india.html>

3 Crl.O.P. No. 16961 of 2016 & Crl.M.P. No. 8148 of 2016

This case was reported in Udumalpet, Tamil Nadu. Kausalya an upper caste girl married Shankar a dalit under Hindu Marriage Act. After 10 months of marriage Kausalya's father (Chinnaswamy) hired 6 people to kill Shankar and Kausalya. There were 34 cuts on Shankar's body, both of the victims were covered in a pool of blood. The video was recorded and went viral in social media and the incident happened in broad daylight, yet Chinnaswamy and his wife were acquitted. This case was the first to get into the National Crime Records Bureau's list of honour killing. Kausalya is still fighting for justice.

Recently a case was reported in Palakkad, Kerala. Here the victim (Aneesh) was killed by Haritha's father, the main reason for murder was financial and caste difference. Haritha's father had given constant threat to his daughter stating that she will be a widow within 3 months.⁴ Similarly in 2018 Kevin was murdered by Neenu Chacko's father and brother.

The root cause of all these murder are same,

- The couples choose their own life partner
- Caste difference
- Financial difference

In India women have always been objectified and hence they do not have the freedom to choose basic decisions of their life. In such cases women's family are the accused. This is a result of toxic patriarchy, most of these cases are reported from rural areas/villages.

KHAP PANCHAYAT:

Khap panchayat is one of the root causes of honour killing, it is a social political group that involves the upper caste members of the society in that particular geographical area. These groups have no legal status and they form their own rules and regulations which are clearly in violation to the constitution of India. In India these communities exist mostly in Karnal, Jind, Hisar district of Haryana.⁵ People rely on these groups due to speedy settlement of dispute as compared to the courts. The head of the village (sarpanch) pronounces orders and people are forced to obey this. Mostly women/girls are affected by such decisions, if a couple elopes the

⁴ Available at:

<https://www.theweek.in/news/india/2020/12/26/honour-killing-in-kerala-youth-hacked-to-death-by-wifes-dad-uncle.html>

⁵ An Appraisal of Khap Panchayat: Issues and Concerns (Dr) G. S. Rajpurohit¹, Amandeep Kaur² ¹ Professor & HOD, Centre for Post Graduate Legal Studies, Faculty of Law; International Journal of Science and Research (IJSR)

Available at <https://www.ijsr.net/archive/v6i4/ART20172222.pdf>

victim's family is forced to pay an amount to the khap. They are humiliated and thrown out of the community. Fearing such acts and the powerful upper caste landlords, people either restrict the education of girl children or send them to separate schools. Schools in such villages have different time schedules for boys and girls.

“Unlawful interference of caste panchayat” a legislative framework discussed about the role of Khap panchayat in “honour killing”. There are many incidents of murder of people who chose to marry in the same gotra or between different castes. Most of the cases go unreported due to the settlement of incidents between upper caste authorities and police officials. In *Arumugam Servai vs State of Tamil Nadu* (reported in 2011) the supreme court had ordered abolishment of Khap panchayat due to interference of these communities in the decision of major citizens to choose their life partner which resulted in murders, kidnapping etc.⁶ Khap panchayat is one of the reasons for killing female foeticide.

PUNISHMENT:

The cases of honour killing are very much common in Northern India especially Punjab, Haryana and Uttar Pradesh. There are discussions regarding implementation of new laws for honour killing, but the existing sections are IPC are

- Section 299-304: Guilty for murder and culpable homicide not amounting to murder. The punishment for murder is life sentence or death or both.

Punishment for culpable homicide is imprisonment for life or 10 years and fine
- Section 307: Charges for murder, 10years and fine. If the person has injury can extend to life imprisonment
- Section 308: Penalises attempt to commit culpable homicide by imprisonment for upto 3 years or with fine or with both. If it causes hurt, the person shall be imprisoned for upto 7 years or fined or both.
- Section 120A and B: Penalises any person who is a party to a criminal conspiracy.
- Sections 107-116: Penalises persons for abetment of offences including murder and culpable homicide.

⁶ Markandey Katju: Honour Killing,
Available at <https://timesofindia.indiatimes.com/blogs/satyam-bruyat/honour-killing/>

- Section 34 and 35: Penalises criminal acts done by several persons in furtherance of common intention.

CONCLUSION

These murders are caused due to some traditions that are totally illogical and against moral ethics and values. “Sati” was also a by-product of such ideologies, women are targeted in most of the scenarios. This happens due to the toxic patriarchy where it is believed that women shouldn’t make choices for oneself and the character of a well-mannered woman is obedience and tolerance. This has led to the development of these unacceptable and intolerant behaviour and actions. Speedy judicial system is what we need right now, there are numerous cases on hold that people don't rely on the justice mechanism. Moreover, the corruption of executive authorities (Ex. Police, etc.) can also favour such acts. Separate laws are necessary for this category of crime. Kausalya is one such victim and activist who is fighting for separate stringent laws for honour killing. When the Supreme Court produces a judgment, it might not reach the ground level as the political parties, leaders, police officials are also linked in. Special agencies from the higher authority should be appointed in such cases.

Local awareness should be delivered among all the villagers and they should be educated scientifically about the same gotra marriages. They should also be given legal awareness regarding their rights and freedom in a democratic country. It is distressing to know that honour killings are committed by the closest family members. This is what happens when religion and caste rules over emotions, relationship, and moral values.

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