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A Socio-Legal Study on Honour Killing: A Menace to the Indian Society

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ABSTRACT

Every society or religions has its own customs, believes and practices and these acts as a norms which have been followed by them from decades in the form of rules, any person acting in contrary to those are subjected in the light of 'dishonoring' the family and the individuals, generally the head of the family, believes he has the right to take actions amounting to any extent in order to rectify the wrong done by the other member of the family. In general cases these 'actions' are 'killing' that person, but they often forget that killing for honour itself is a very honourless approach to make amends. The criminal law in India does not specifically specifies 'honour killing' within its Scope but the concept can be found in the Sections for murder and its related provisions. The researcher in this paper would try to critically analyze the concept of honour killing under the ambit of criminal law in India. This paper would try to form an understanding of how honour killing and murders are similar in nature, if at all, by taking the examples of the various instances happening in India involving the same issues. The researcher would also try to study whether there is any honour in honouring killing and is there any need for an amendment to involve honour killing exclusively in the codified laws for crimes in India.

Keywords: Honour killing, Murder, Criminal Law, India, Legal Action.

I. INTRODUCTION

Human Rights characterizes "honor killings" as a demonstration of savagery, generally murder, carried out by the male individuals from the family against the female individuals, who as per them have brought disrespect upon the family.³ In general understanding, honor killing is said to be the death which is granted to the man or the woman of the family for primarily: wedding against the desires of the family, having pre and post marital issues and affairs, wedding outside ones community, religion or group, and in issues of sexuality. The concept of honour killing is totally different from dowry deaths which are likewise pervasive in the Indian culture. While dowry deaths refers to situations where the lady is headed to death by her husband and his

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³ Sneha Annavarapu, Human Rights, Honour Killings and the Indian Law, Volume 48. Economic and Political Weekly, 2013.

family in disputes matter pertaining to dowry, honor killing is a wrongdoing carried out by the womans own family, relatives or local area who look for revenge for the couple having brought "disgrace" upon the family.

Honor Killings are not a new and remarkable idea to any general public, culture or religion. Rather it is something that has been happening since many years and the general public has continually attempted to stop the matter from the beginning. This brutality, in the earlier days, was principally between just men and in some cases even included ladies as associates. Yet, these are done very common against a woman or youngsters, who the family believe has disgraced them. The clearest justification for the occurrence of such violations is the male centric Indian culture where the ladies should act and behave according to the men of the family. The station framework which was shaped hundreds of years prior still keeps on being followed inflexibly. People of the country really decline to recognize choices by their children for their own lives and since the men ought to keep up with all of the guidelines and customs of the overall population and protect the family from affront/shame, they are given all of the honors to practice mercilessness against women and for this present circumstance, to attempt to kill them.

(A) Objective of the research

The aim of this research paper is to critically analyze the concept of honour killing under the ambit of criminal law in India, to form an understanding of whether honour killing and murders are similar in nature by taking the examples of the various instances happening in India involving the same issues. The researcher would also try to study whether there is any honour in honouring killing and is there any need for an amendment to involve honour killing exclusively in the codified laws for crimes in India.

(B) Research questions

1. What is the practice of honour killing and what are the main cause behind such practices being followed in India?
2. Is there any difference between honour killing and murder?
3. What is the need of amendments in the Indian criminal law to specifically mention honour killing under it?

(C) Literature review

[1] 'Honor Killing' is a social wrongdoing or a social practice common among non-Caucasian Societies which see ladies as conveyors of family honor. Indian societies are extremely well

established. Numerous youngsters in India have been done to death consistently attributable to 'Honour Killings.' It is on the grounds that purported honor killings depend on the conviction, well established in Indian societies, which think about the ladies as articles and wares, and not as people supplied with poise and freedoms. Most honor killings happen in nations like India where the idea of ladies is considered as a vessel of the family notoriety. This paper is an endeavor to handle the vital issue of a social wrongdoing that is amplifying step by step like a beast untamed. It is difficult to accept that in the 21st century that too in the biggest majority rules system of the world, families murder their friends and relatives for purportedly saving their honor.⁴ [2] The Law Commission of India objected the proposition of Government to correct Sec. 300 of IPC to incorporate 'honor killings' inside the meaning of homicide on the ground that the current arrangement are sufficient to deal with the circumstances prompting such killings. The Law commission has proposed new regulation that tries to pronounce that the Khap Panchayat enjoying this wrongdoings be proclaimed unlawful. It further proposed another bill, The Prohibition of Unlawful get together (Obstruction with the Freedom of Matrimonial Alliances) Bill, 2011 proposes no individual or any gathering of people will accumulate with an "goal to consider on, or censure any marriage, not denied by regulation, on the premise that such marriage has shamed the standing or then again local area custom or carried notoriety to all or any of the people shaping piece of the gathering or the family or individuals of the region concerned."⁵ [3] It is assessed by the United Nations Population Funds that 5,000 ladies and young ladies are killed by their own relatives. As indicated by the new report of National Crime Record Bureau, 356 instances of Honor Killing were accounted for alongside 65 instances of guilty murder in India. There are regulations in Indian Penal Code for the Honor Killings; yet it is only a cure to such shameful practices. Regulation ought to be altered and made severe towards it. It is showed that a wide scope of balance is required to fight against man centric wrongdoings and ladies' sway in India actually. It isn't out of the setting to specify here that 'The Freedom of Belief doesn't mean Freedom to Kill. Everybody has right to live there existence with poise, elegance and fairness. A lady merits regard with nobility. There is No Honor in Honor Killings'.⁶ [4] This paper, along these lines, resolves the issue of absence of thoughtfulness regarding savagery against ladies in India by featuring disregarded rough practices, for example, witch-hunting, honor eliminating and

⁴ Singhal, V. (2014). Honour killing in India: An assessment. Available at SSRN 2406031.

⁵ Bhatia, A. (2009). Honour Killing-A Study of the Causes and Remedies in its Socio Legal Aspect. *International Indexed & Referred Research Journal*, 4(38).

⁶ Kaushal, K. (2020). No Honour in Honour Killing: Comparative Analysis of Indian Traditional Social Structure vis-à-vis Gender Violence. *ANTYAJAA: Indian Journal of Women and Social Change*, 5(1), 52-69.

devadasi framework towards ladies in the background of social standards and less or no homegrown regulations. Furthermore, this paper likewise looks at the previously mentioned rehearses inside the current system of global basic freedoms regulation and fundamentally examines India's actions to dispose of brutality against ladies.⁷ [5] In India tragically 'honor killing' has become ordinary. The Supreme Court noticed, "to kill or genuinely attack a youthful man/lady who weds against their desires is completely illegal." If somebody isn't content with the way of behaving of his girl or other individual, the most extreme one can do is to remove social relations with her/him there is not all that much in 'honor killings'. These are only primitive and fierce homicides. The court saw in another case, "As we would like to think honor killings, for what at any point reason, come quite close to most extraordinary of intriguing cases meriting serious discipline. The SC while offering its viewpoint said that the time has come to stamp out these savage, medieval practices which are a slur on our country."⁸

In India, the Khap or Caste panchayats which allude to an association of towns have recently arisen as a semi legal body that articulates savage disciplines like honor killings based on age-old traditions. In the majority of Arab countries, the training can be followed back to pre-Islamic times. The Arabs followed a practice of covering the recently conceived young lady youngster. In old Roman times, the pater familias (senior male individual from the family) was vested with the option to kill a physically dynamic unmarried girl or a double-crossing spouse. In Medieval Europe, the Jewish Law accommodated compulsory demise (by stoning, wherein the individual goes through dull injury til' the very end) for a two-timing spouse and her accomplice.

In view of the assessments made by the United Nations (UN) there were around 5000 honor killings overall as of year 2000. The majority of these cases were accounted for in the Middle East and South Asia however different nations where such killings happen are Brazil, Iran, Canada, Israel, Jordan, Italy, Egypt, Syria, Sweden, UK, USA, and some more.⁹

In India, the insights show around 900 announced honor killings just from the territory of Haryana, Punjab and Uttar Pradesh and roughly 300 honor killings from the remainder of the country.¹⁰ Since these cases are frequently under-revealed in light of the apprehension made by relatives or the local area, one can expect that the genuine numbers would be considerably

⁷ Anand, A. (2022). *Unheard and Unnoticed: Violence Against Women in India—A Study of Practice of Witch-Hunting, Honour Killing and Devadasi System* (Doctoral dissertation, Lancaster University).

⁸ Bhatia, A. (2009). Honour Killing-A Study of the Causes and Remedies in its Socio Legal Aspect. *International Indexed & Referred Research Journal*, 4(38).

⁹ Dr. Aisha Gill, "HONOUR KILLINGS AND THE QUEST FOR JUSTICE IN BLACK AND MINORITY ETHNIC COMMUNITIES IN THE UK AND MOVING TOWARD A "MULTICULTURALISM WITHOUT CULTURE": CONSTRUCTING A VICTIM-FRIENDLY HUMAN RIGHTS APPROACH TO FORCED MARRIAGE IN THE UK", The United Nations

¹⁰ PTI, "More than 1000 honour killings in India every year: Experts", Times of India

higher.

II. HONOUR KILLING A PREVALENT ACT IN INDIA

1. Punjab honour killing, May 2023¹¹

Manpreet Kaur a 25 year old young girl and her lover Gurdeep Singh who was 30, had been discovered dead in the Thikriwala town in Punjab's Barnala region in May 2023. As per police inquiries it was revealed that the boy gurdeep singh was murdered while he visited Manpreet at her place of residence one particular night. The murder was executed by the girl's father and brother. According to reports, the two of them had been dating for a while. When Bhola Singh and his son Sukhbir Singh discovered this, they murdered the boy by attacking him using a sharp object. later on Manpreet was strangled to death as well. Manpreet's remains was discovered on the charpoy at the terrace of their home, while the boy's body had been discovered in a tiny sewage vent near Bhola Singh's home.

2. Tirupati honour killing, February 2023¹²

In a suspected crime of honour killing in the month of February, a man living in the Andhra Pradesh town of Alamuru murdered his own daughter and dismembered her dead body. A 21 year old young girl Prasanna Reddy was deeply in love with lower caste boy of her own village. Prasanna family was completely against her relationship and therefore they forcefully got her married to one of their relatives and sended her to another village. Once when prasanna came to her hometown to meet her family members then she decided not to ever go back to her in-laws and this decision of her created a lot of suspicion among the family members. People of the village started talking bad about her and her family as she was also having a love affair. her father was also incensed by the rumours of her relationship and felt his daughter was causing dishonour to his entire family. One afternoon, after a furious argument, Prasanna's father strangled her, beheaded her, and dumped her body pieces in the adjacent forest.

3. Karnataka honour killing, June 2023¹³

On 9 June 2023, an agriculturalist in Tumakuru, Karnataka, was taken into custody for reportedly murdering his 17-year-old daughter in a purported instance of an honour killing. Nethravathy, the person who died, happened to be the lone daughter of Parashuram out of a

¹¹<https://www.outlookindia.com/national/rising-honour-killings-in-india-a-look-at-5-brutal-murders-in-recent-past-news-296381/amp>

¹²<https://www.outlookindia.com/national/rising-honour-killings-in-india-a-look-at-5-brutal-murders-in-recent-past-news-296381/amp>

¹³<https://www.outlookindia.com/national/rising-honour-killings-in-india-a-look-at-5-brutal-murders-in-recent-past-news-296381/amp>

total of three kids. A respected individual with influence in the village, Parashuram was from a Schedule Tribe (ST) group. Nethravathy, who attended an institution of public higher learning, was involved with a boy belonging to the scheduled caste, as per an investigation by police probe. When the relatives of the victim found about her affair, they interrupted her schooling and arranged for her to marry someone else. But shortly after leaving her house, Nethravathy was tracked down and returned on June 8. They attempted to forcefully give her poison so as to make it appear as though she committed suicide out of rage at her contempt for her loved ones. According to the authorities, Parashuram strangled Nethravathy alongside the help of his son and brother after she declined to swallow the pesticide. They then incinerated her dead body in their garden to hide the grisly crime.

4. Rohtak honour killing, February 2023¹⁴

In another recent instance of an honour killing, a 20-year-old girl was murdered and burned by her loved ones in the Rohtak town. Divya, who wed in February, had issues with her husband's family and had gone back to her hometown to live with family members. Before being married, Divya was in relationship with a guy from her village, but her family disapproved of their relationship. Following Divya's marriage, the lover and a group of adolescents attacked the girl's husband, causing the wedding to fail. When they found out, Divya's family immediately murdered her and burned her body in order to destroy any trace.

5. Shakti Vahini v Union of India, 2018

The State of Jharkhand has submitted an answer outlining the actions taken, among other things, contrary to those responsible for such acts. In addition to stating categorically that honour killing are not widespread in Jharkhand, it is also claimed that the government will take the necessary action to prevent such atrocities. NCT of Delhi has responded with a rebuttal statement. According to the affidavit, the Delhi Police fails to maintain an additional record for incidents classified as honour killings. Nevertheless it was noted that 11 suits had already been brought when the affidavit was submitted. Additionally, there is a particular unit operating inside the Delhi Police indicated for major offences that involve security within the agency, and cases like this can be addressed to the stated cell; it isn't necessary to establish a distinctive cell within every police district. It is recommended that the District Police manage these kinds of incidents. The fact that Delhi Police has made field investigators aware of such has been emphasised in order for the problems to be addressed using the requisite care and understanding. In addition,

¹⁴<https://www.outlookindia.com/national/rising-honour-killings-in-india-a-look-at-5-brutal-murders-in-recent-past-news-296381/amp>

the Department of Women and Child Development has put plans in place for the recovery of female survivors who are threatened with honour killings, and attempts are being conducted to educate society about the dangers of committing such acts.

6. State of Maharashtra vs Eknath Kisan Kumbharkar (6 August, 2019)

Additionally, it was reported that honour killings are now widespread throughout the nation, especially in Haryana, western Uttar Pradesh, and Rajasthan. Teenagers who fall in love tend to take refuge at police stations or protective houses to escape the fury of mob courts.

In the Lata Singh case, we ruled that there exists absolutely nothing "honourable" about honour killings; rather, they are considered just primitive and cruel killings committed by intolerant individuals with aristocratic mentalities. Honour killings, for any reason, fall inside the scope of the most extreme uncommon situations worthy of the death penalty, in our view. It has become time to eradicate these barbarous, feudal customs that reflect poorly on our country. This is required to serve as a barrier against these egregious, barbaric behaviour. Everyone who intends to commit "honour" killings ought to be aware of the fact that ropes are waiting for them.

III. CAUSE OF HONOUR KILLING IN INDIA

The clearest justification behind the occurrence of such violations of the act of honour killing is the man centric Indian culture where the ladies should act and act according to the men of the family. The position framework which was shaped hundreds of years prior still keeps on being followed inflexibly. People of the country really decline to recognize choices by their children for their own lives and since the men ought to keep up with all of the guidelines and customs of the overall population and protect the family from affront/shame, they are given all of the honors to practice mercilessness against women and for this present circumstance, to attempt to kill them.

IV. LEGISLATIONS PENALISING HONOUR KILLING IN INDIA

Honour killings occur when families kill individuals who are believed to have tarnished their family's reputation and status in the society. There are instances where a man in the family murders a female member to restore their family's honour. The word can also refer to a deliberate, planned beforehand killing of a person, usually a woman, carried out through or under the direction of family members who feel that the victim caused dishonour to the family. India has ratified laws and conventions that prohibit such offences.

The Indian Constitution states that every citizen has freedoms, regardless of caste, religion, or

gender. According to the Indian Constitution, we are free to follow any faith and select the life partner of our liking in a country that is secular like India.

Honour killings and homicides are basically comparable. Sections 299 and 301 of the Indian Penal Code, 1860 define homicide that is culpable as murder when the victim is killed with a plan to do so in order to protect the family's reputation.

Articles 14 and 15 of the Indian Constitution refer to equality before the law, respectively, that indicates that all Indian citizens are to be dealt equitably by the rule of law regardless of their social class, sex, race, or faith.

In cases of honour killing, the crime is committed more frequently against a female member of the family than a man, demonstrating that there isn't any equality before the law. The unlawful killing of a woman constitutes a form of gender discrimination.

The Indian Constitution's Articles 19 and 21 discuss the rights to liberty and living, accordingly. All of an individual's rights are infringed in an honour killing. A individual has the power and authority to select their life partner.

therefore, Article 14, 15, 17, 18, 19, and 21 of indian constitution gives right to every citizen to live as per their likings which also include choosing the life partner of their choice, crimes like honour killings violates these articles of the indian constitution.

To stop abuses involving members of Scheduled Castes and Scheduled Tribes, the Indian Parliament passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in 1989. The law is related to honour killings since many instances of these crimes involve religion and caste of the individuals.

The Special Marriage Act, 1954 was passed primarily to give an exception form of relationship for Indian citizens as well as Indians living abroad, regardless of the faith or belief practised by either partner, to carry out their desired wedding. The law is applicable in situations when Khap Panchayats have forcibly split up married individuals that are of legal marriageable age.

Honour killings and homicides are basically comparable. Sections 299 and 301 of the Indian Penal Code, 1860 define homicide that is culpable as murder when the victim is killed with a plan to do so in order to protect the family's reputation.

The Indian Evidence Act, 1872 contains provisions in Article 13 to penalise individuals who withhold information before, during, or afterwards the alleged crime was committed.

The legislation known as the Protection of Women from Domestic Violence Act, 2005 ensures that the fundamental liberties of women, provided by the Constitution, when they are the targets

of assault of all kinds that takes place inside the home as well as issues associated thereto or ancillary thereto, are protected more effectively.

The Protection of Human Rights (Amendment) Act, 2006 includes provisions for the safeguarding of each person's human rights as well as the establishment of human rights tribunals, a national human rights commissions as well, and state human rights commissions.

Two important UN papers demand an end to honour killings. Moving To the Complete Prevention of Crimes Towards Women Perpetrated in the Sake of Honour (2003) and the 1993 Proclamation on the Eradication of Abuse On Women both mention eradication. However, the elimination of any kind of occurrence, such as honour killing, necessitates a significant change in the current situation. Violence committed in a badge of dignity absolutely occurs, and there continues to be not comparable relationships between men and women. The whole structure is callous and misogynistic.

The right of individuals to enjoy the highest possible level of mental and physical well-being is guaranteed by Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR 1976), and parties to it are required to implement all reasonable measures to protect this right. The fundamental right of women to the best possible quality of health is obstructed by crimes of honour that include assault sexually, psychological assault, or either mental or physical abuse. India therefore has a responsibility by law to make certain that all people and those who have been harmed by acts of honour have the ability to exercise this freedom.

India has both ratified and entered into the 1979 United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The guidelines of CEDAW are able to be utilised to suggest whether the custom and practise of penalising people for having incorrect notions about disrespecting the family constitute institutionalised bias against certain people. This places an enforceable duty on India, to be a signatory state of the protocol, to implement all necessary steps to put a halt to every kinds of the practise of honour killing and make sure that every prejudice towards women in issues concerning marriage and familial relationships is eliminated.

V. ROLE OF LAW TO CURB HONOUR KILLING IN INDIA

In India, at this point, there is no particular arranged regulation to manage honor killings. The Prevention of Crimes for Honor and Tradition Bill, 2010 was introduced in the Parliament anyway sadly, as yet remaining parts to be in its dormant stage. Regardless, the place of the legitimate chief, pioneer and the overseeing body on such cases can be explored with the help

of lawful perspectives and other arranged guidelines which hold such practices unacceptable. Honor Crimes are violative of Article 14 (Equality under the steady gaze of regulation), Article 15 (Prohibition of segregation on the grounds of religion, race, caste, sex or spot of birth), and Article 21 (Protection of life and individual freedom). Infact, Right to wed out willingly is a part of Article 21 under the **Constitution of India, 1950**. In the judgment of **Lata Singh v. state of Uttar Pradesh**¹⁵ it was seen by the Supreme Court that, since India is a free and democratic country, when the individual achieves the period of greater part he/she has an option to wed whosoever, the court stated "In our opinion honour killings, for what ever reason, come within the category of rarest of rare cases deserving severe punishment. The SC while expressing its opinion said that it is time to stamp out these barbaric, feudal practices which are a slur on our nation". In another case of **Arumugan Seevai V. State of Tamilnadu**¹⁶ (2011) 6 SCC 405 The Supreme Court noticed, "to kill or actually attack a young fellow/lady who weds against their desires is completely illegal." If somebody isn't content with the way of behaving of his girl or other individual, the most extreme one can do is to remove social relations with her/him there is not all that much in 'honor killings'. These are only savage and severe homicides." These cases establish the fact that there is no such specific distinction between honour killing and murder, they are basically the same acts committed under different names.

The **Indian Penal Code, 1862** likewise incorporates different arrangements under which honor killings can be made culpable, for example, Section 299-304 (Provides for the discipline of any individual at real fault for homicide and chargeable manslaughter not adding up to kill), Section 307 (Provides for discipline for endeavor to kill), Section 308 (Provides for the discipline for blamable manslaughter), Section 120 A&B (Penalizes any individual who is involved with criminal trick), Section 107-116 (Punishment for abetment of offenses including murder and guilty manslaughter) and Section 34 and Section 35 (Punishment for acts done by a few people in assistance of a typical expectation).

Acts, for instance, the Protection of Human Rights Act, 1993 (highlighted safeguarding the fundamental freedoms from being manhandled), National Legal Services Authority (spread out under the Legal Services Authority Act, 1987 to offer free and speedy kinds of help to the more delicate region of the overall population) and the Special Marriage Act, 1954 (laid out to thwart the barbarities arising out of the connections in India) are set up to defend the interests of the took advantage of fragments of the overall population. In August 2012, the Law Commission of India in the report named "Neutralization of Interference with the Freedom of Matrimonial

¹⁵ Lata Singh v. Province of Uttar Pradesh (2006) 5 SCC 475.

¹⁶ Arumugan Seevai V. State of Tamilnadu (2011) 6 SCC 405.

Alliances (for Honor and Tradition): A Suggested Legal Framework", recommended a guideline with the assumption to actually take a look at the social evil of Khap (or caste) panchayats which barge in with the right of young people and ladies to energetically marry.

India has furthermore checked different International courses of action and shows which dismissal honor killings like the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), 1979, International Convention of Human Rights, 1948 (generally called the Universal Declaration of Human Rights) and International Convention of Civil and Political Rights (ICCPR), 1996.

VI. CONCLUSION

Imposing regulations most certainly to some extent controls the violations like honor killings, in any case, it on its alone single-handedly can not stop and do much in case of such killings, since, it is social problem under socio-legal scope, which is well established in friendly culture, customs and attitude. The weakness of ladies all over the planet to this kind of savagery may be diminished when these man centric outlooks are tested and really defied. Another remedy might be the financial status of woman. education can likewise play a significant job. A financially autonomous woman can be more strong, and fit for taking her own choices. This sort of progress in our socio, monetary circumstances also, rigid regulation must be useful in diminishing the number of honor killing. Honor killing is a wrongdoing carried out to maintain the distinction of the family. In any case, it is about time we understand that there is no such distinction in killing an individual. Culture, customs and Religion ought not be the actual reason for carrying out such a crime since they are open to all and we as people often misjudge them. The option to openly rehearse religion doesn't ensure the option to kill. Subsequently, as I would see it, to check this abhorrent, the expression "honor" should be defined again and that should be possible by: Spreading awareness among people: Honor Killings are most normal in rustic regions and in practically all cases the casualty is a young lady and since they are the ones who have least admittance to schooling, they don't know about their freedoms. Along these lines, they wonder whether or not to retaliate and accept it as a discipline for their own issue. The social Reforms consists of: Mentality of individuals is the underlying driver for the occurrence of such violations. Between standing relationships are as yet viewed as an untouchable. Society requests change with the evolving times. Moreover, the apprehension about acknowledgment by the general public shouldn't prevent individuals from detailing such cases as it may be then that the matter will come to the spotlight. Severe legal support: Even however such killings can be made culpable under a few different regulations, it is to be referenced that such regulations give just

freedoms and there is a requirement for a severe explicit classified regulation to be set up to prevent the general public and punish the genuine guilty parties for commission of such violations.
