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Honour Killings in India and Beyond: A Global Perspective

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ABSTRACT

Honour killing is a global phenomenon deeply rooted in cultural and societal norms. This research paper examines the complex issue of honour killings, analyzing the pattern, reasons, and legal frameworks of this crime with a particular emphasis on Indian and international legal frameworks. The word "honour" is often linked to limiting norms of society, especially when it comes to women's conduct and choices. This concept of honour is often associated with the concept of family pride and dignity. Honour killings may be committed against males as well, but women are more likely to be the victims. In India, the occurrence of honour killings is increased by the rigid patriarchal structures and caste system, which are further exacerbated by ineffective governmental measures. International legal frameworks such as the UDHR and the Convention on the Elimination of All Forms of Discrimination Against Women have attempted to combat gender-based violence including honour killings, however cultural tolerance and insufficient legal remedies have enabled the crimes to keep occurring. This research paper highlights the critical need for global gender equality advancement, comprehensive legislative action, public awareness, and international collaboration to tackle the issue of Honour Killings.

Keywords: Honour Killings, Khap Panchayat, Gender equality, Human rights.

I. INTRODUCTION

The term honour killing is misleading because there is no honour in honour killings. Honour killings are not only an urban or rural issue but every corner of the world has witnessed the cases of honour killings. In some regions, honour killing is sometimes called "customary killing." The practice of honour killings has become deeply ingrained within the Indian society and in various countries at cultural level. The term honour which is described in today's society, is a standard of behavior, restrictions for women and girls, and associated with terms like izzat, pride, and respect. Honour killing aims to maintain the dignity of the family by the act of murder to eradicate shame and dishonour. Both men and women become victims of honour killings, however, in the majority cases, women are targeted for disobeying the demands and rules set

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up by society. Honour killing is a crime committed by a group of individuals and it includes close relatives, family members, and the community. Several factors are responsible for honour killings such as marriage outside caste, inter-religious marriage, marriage in a similar gotra, male dominance, traditional norms, etc. The caste framework in India is very rigid, and the individuals who carry out the act of honour killing believe that they are setting an example among women to ensure nobody else commits such wrongdoing. Also, it depicts the position of women in society and portrays them as powerless and dependent on males for their existence. Honour killing is not only a regional crime but extensively spread across various countries including Iran, Afghanistan, Egypt, Turkey, Jordan, Iraq, Bangladesh, Sweden, Italy, Germany, Palestine, Yemen, India, Pakistan, Saudi Arabia, and others According to the United Nations report, approximately 5,000 women are killed annually in the name of honour across the world. In the 21st century, additional justifications are being included for honour killings such as clothing, employment of women, denial of arranged marriage, and same-sex marriage. Women are considered as the husband's property, and the husband has to maintain their purity. In some regions, honour killing is not considered a crime, but it symbolizes the masculinity and supremacy of men. Honour killings result from women fighting for their rights to freedom, making independent decisions, and opting for their way of life.

(A) Meaning of honour killing:

Honour killings are violent actions perpetrated by close family members on female victims, often for the sake of safeguarding the family's honour. Similar to other forms of intra-family aggression honor killings occur when male members of the family murder women who are believed to be the keepers of the family's or man's honour and who, by this role, are obligated to maintain virginity and chastity.³ It is believed that these women have disgraced their families and that their murder would be the only way to restore honour. While honor killings are sometimes committed against males, women are more often targeted in these cases. Honour killings have been constantly taking place for many years now. For years, they have been occurring in different parts of the globe. Even an impression that a woman has behaved in a certain way is sufficient to resort to violence against her as a justification for the protection of honour. A woman may be attacked by her relatives for several causes, including not entering into a marriage arrangement, becoming a target of sexual assault, demanding separation from an abusive spouse, or (supposedly) committing adultery.

³ Mr. Salim Khan, Honor Killing - Current National and International Legal Framework, 11 Int'l J. Res. Eng'g & Sci. 224 (May 2023).

In various Islamic nations, particularly Pakistan and Jordan, honor killing is justified since it is considered to erase the alleged stain upon the family's honour. It is committed as a way to restore the family's reputation. Acts that may cause disgrace vary from one culture to another, even across Islamic communities. Therefore, the foundation for honor killings differs. In many countries, women are told that the most significant element in their life is their honour. A woman stays reputable by being a virgin and refraining from any activity that may end in sexual relations. For instance, it is shameful for a girl to have a boyfriend. Often women are murdered because they have become targets of sexual crimes, for example, rape. A woman who is a victim rape causes humiliation to her family and society. A woman could also be murdered if a man thinks that his wife is cheating on him. Furthermore, many women are killed because of men relying only on rumors within their society.

It is crucial to remember that, honour killings aren't limited by gender. Men also become targets of honour killings by relatives of women they are believed to have engaged in an unjust relationship with. Honour killings, although predominantly targeting women, are not limited to them. For instance, a study conducted in Pakistan found the killings of 97 males in addition to 158 women in the region of Sindh, Pakistan.

According to Michael Kurkiala, if a woman failed to conform to the limitations set forth by her cultural society, her "immoral conduct" polluted the entire family. If multiple methods to make the woman comply didn't work, the only cure for those closest to her was to murder her to safeguard the family's honor. Therefore, killings were traditionally sanctioned and aimed to impose a specific code of conduct.⁴

II. CAUSES OF HONOUR KILLING

The primary cause behind the commission of honour-related murders is the belief that a member of a family usually a woman or a girl has caused humiliation to the family. Humiliation or dishonour has distinct meanings for different families. The term dishonour or humiliation may be viewed as numerous actions of women such as adopting inappropriate clothing standards set by the community, women refusing arranged marriages, or wanting a marriage of their choosing. Moreover, participating in a specific sexual behavior with a similar or opposite gender is also seen as dishonor. In India, the most apparent explanation for this practice to persist is because the caste system remains at its finest and also because people living in the rural regions are unwilling to modify their approach towards marriage. Furthermore, honour

⁴ Mikael Kurkiala, "Interpreting Honour Killings: The Story of Fadime Shindal (1975-2002) in the Swedish Press," *Anthropology Today*, vol. 19, no. 1, February 2003, pp. 6-7.

killings also take place in cases of marriage outside the same Gotra. Additionally, in our nation, society is largely patriarchal or male-dominated. Violence is a tool that men use constantly to control women as a result of highly internalized patriarchal conditioning which accords men the right to be their wives and thus ostensibly perform the duty of chastising them.⁵ Men consider that they must uphold these standards and customs and guard family and masculine honour against humiliation. In a patriarchal society, it is believed that women must follow the standards of honour set by society. The above description offers validity to all sorts of societal control of women's conduct as well as aggression against them.

III. HONOUR KILLINGS IN INDIA (LEGISLATIVE FRAMEWORK)

Despite the ongoing incidence of honor killings, there is no Indian law that directly deals with the problem. In the year 2012, the Law Commission suggested legislation for dealing with the subject of killings in the name of honour but unfortunately, no action was taken. The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill of 2019 is presently the only specific legislation that directly tackles honour killings in India.⁶ The legislation provides for the death penalty or life imprisonment if found guilty of honour killing and also provides various other provisions regarding the protection of the liberty of married couples.⁷

Presently no legislation deals with the issue of honour killing therefore the cases of honour killings fall under the general provisions of the Indian Penal Code (IPC), 1860. The provisions under which honour killing is indirectly addressed are provisions regarding abetment of murder provided from Sec. 107–11, Murder and Culpable homicide under Sec. 299–304, Criminal Conspiracy under Sec. 120A and 120B and Attempt to Kill and Culpable Homicide under Sec. 307-308.⁸ Honor killings involve the intentional killing of human lives. Any act of murder is liable for punishment if it falls under Sec. 299 and 300 of the Indian Penal Code, 1860. Besides the Indian Penal Code incidents of honour killings are additionally addressed under the “Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act⁹, 1989 which focuses on crimes perpetrated against Dalits as well as tribal communities. Honour Killings are incidents

⁵ Dr. A.K. Pandey, "Protection of Women from Domestic Violence in India," *Dehradun Law Review*, vol. 3, no. 1, November 2011, p. 10.

⁶ Avanti Deshpande, "Addressing 'Honour Killings' in India: The Need for New Legislation," *Oxford Human Rights Hub Blog* (September 7, 2022), <https://ohrh.law.ox.ac.uk/addressing-honour-killings-in-india-the-need-for-new-legislation/> (last visited March 1, 2024).

⁷ *Ibid.*

⁸ *Ibid.*

⁹ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989, 11th September 1989.

involving homicide as well as murder that constitute grave offenses under Indian Penal Code. Sections 299 and 301 of the Indian Penal Code 1860 deal with Murder and Culpable Homicide not amounting to murder. Both are made punishable by the code. The act of honour killings comes within the bounds of sections 299 and 301 since the families murder with the purpose of killing for the sake of family honour. The punishments imposed for the offense of honour killings or any of the killings whatever for that purpose are provided under Sec. 302 of the Indian Penal Code. In various Judicial precedents, the Indian courts also found the Khap Panchayats and family members along with the local residents liable for the crime of honour killings under Sec.302 of the Indian Penal Code.

The constitution of India contains many provisions for securing gender justice. The preamble of the constitution of India promises 'to secure to all its citizens Justice - social, economic, and political; equality- of status and opportunity.'¹⁰ Rights in India are interpreted broadly, thereby granting citizens the freedom to exercise independent decision-making. Nevertheless, directive principles of state policy and fundamental rights may not necessarily address issues and freedoms specifically; rather, they necessitate interpretation to enable the incorporation of these freedoms into ever-expanding areas of life. These killings infringe Art.14 (right to equality), 15 (1) & (3), 17, 18, 19, as well as Art. 21 of the Indian Constitution. Under Article 14, the Constitution of India lays out the rule of law that implies that every person is treated equally before the eyes of the law and that nobody stands above the law. It shows that the law applies to all of us and nobody regardless of their position in society can violate the law and walk away with it. This portion of the Indian Constitution comes under the purview of the basic structure doctrine, therefore implies that no authority can amend or change this specific power that the constitution provides to the citizens of India. Thus, it is for precisely this reason that acts committed for the allegedly or true defense of honour of the family are extremely against the rule of law as specified in Article 14. Honour killings are basically murder of individuals. They are clearly in violation of Articles 19 and 21 of the Constitution.

IV. ROLE OF KHAP PANCHAYATS

A khap is a group of people comprising many villages that joined collectively for the goal of regulating society in the manner of a political body. The khap is normally led by the most influential caste among the communities. The Khap panchayat controls the khap gotra (clans) across various villages. The primary basis upon which villages under khap panchayat operate is that those born within the identical gotra are related to each other. Marriage based on love is

¹⁰ *Supra* note 3.

forbidden by the khap and is regarded as taboo. People residing in a village are forbidden to marry inside the same gotra as well as another gotra in that village. Individuals breaking the rules were at times punished with the death penalty by the khap panchayats. The khap panchayat's instrument of punishment includes societal boycotts and penalties in a moderate circumstance. In severe cases, there were occasions where the khap panchayat pronounced the death penalty and even forced suicide. All these actions are carried out based on honour and community. All of this could happen since the government is not powerful enough and relies on those villages & khaps for support during elections. From the time of independence, not a single government has aggressively tried to exert control over these bodies.

V. HONOUR KILLINGS: INTERNATIONAL PERSPECTIVE

The problem of honour-based killings against women has received more and more attention worldwide in the last few years. While a lot has changed in the last few decades, women still confront discrimination and exclusion worldwide. Violence against women persists worldwide, occurring in every region, country, and culture, and cuts across income, class, race, and ethnicity. It impedes development and prevents women and girls from enjoying their human rights and fundamental freedoms.¹¹ Some horrific new cases referred to as honour killings are reported almost daily across some regions of the world. The crime of honour killings exists in various parts of the world. Typically, male relatives resort to violent crimes against their female relatives to reclaim the honour of the family which has been stained by real or alleged actions of the women. Because of increasing media coverage, the issue of honour killings is coming under global evaluation, from different nations across the globe, specifically in the Middle East and portions of South Asia. Based on recent statistics, honour killings cases are being found in 6 different continents and approximately 31 nations including Asia, Europe, North America, Latin America, Australia, and Africa, resulting in the death of thousands of individuals every year.¹² The list consists of Australia, Columbia, Egypt, Argentina, Haiti, Venezuela, India, Israel, Iraq, Brazil, Guatemala, Lebanon, the Syrian Arab Republic, Morocco, the Netherlands, Bangladesh, Iran, Pakistan, Jordan, Turkey, the state of Palestine, Uganda, Ecuador, Yemen, Peru and other Mediterranean countries, such as France, Sweden, Germany, United Kingdom, and the United States.¹³ The United Nations Organization is taking various steps to promote women's empowerment and eradicate these violence-based crimes against women. Ensuring

¹¹ Dr. Puneet Pathak, "Women's Human Rights - A Discussion Against Sexual Harassment, Gender Bias and Violence," *Dehradun Law Review*, vol. 3, no. 1, November 2011, p. 74.

¹² Sudarshan Verma & Priti Saxena, "Roots, Rationale and Judicial Outlook on Killings in the name of Honour: A Solution Based Scrutiny", Vol. XXXIX, No. 4, IBR p. 47-48 (2012).

¹³ *Id.* p. 48.

liberty and equality for every individual is the fundamental objective of United Nations Organizations, which includes gender equality and the advancement of women. United Nations reported that the number of women that became the victim of honour killing globally and were murdered is approximately 5,000 annually. This toll of killings is estimated to be 20,000 by various organizations in the Middle East region and Southwest Asia, however, these cases remain underreported for various reasons.¹⁴

(A) International legal framework regarding honour killing:

Human rights play a crucial role in the advancement of a country. Human Rights means certain rights that are considered to be very basic for an individual's full physical, mental, and spiritual development. It refers to the "basic rights and freedoms to which all humans are entitled".¹⁵ Every person regardless of gender or any distinction acquires Human rights from birth. But not in all societies, women enjoy these rights to their full extent. This is due to gender inequality, direct and indirect discrimination, coercion, and violence.¹⁶ Therefore, The United Nations has enacted a variety of conventions and agreements to safeguard human rights globally. For instance, the United Nations enacted CEDAW (The Convention on the Elimination of All Forms of Discrimination Against Women)¹⁷, which calls for the abolition of any sort of violence towards women. It has been signed by 189 nations, including India. According to this convention, crimes committed against women in the name of honour violate human rights, and that is the responsibility on the part of signatory countries, including India, to adopt laws or address the issue of honour killings. Article 2 of the agreement requires member nations to promote gender equality by incorporating it into their national laws. These nations must also establish numerous institutions or bodies to safeguard women from discrimination and take all necessary actions to eliminate any kind of cruelty against women. Furthermore, Art.16 of the CEDAW guarantees men and women the freedom to choose their partners for marriage. Under international law, the UDHR (Universal Declaration of Human Rights)¹⁸ of 1948 provides that all persons are equal and that no one can discriminate on any basis, including gender, therefore protecting women's rights. Articles 3 and 4 state that everyone has the right

¹⁴ Seshadev Moharana & P.K. Pattanaik, "Campaign Against Honour Killing: Human Rights Approach", AIR p. 67 (2014).

¹⁵ Puja Jaiswal, "Women Rights vis-à-vis Human Rights," Dehradun Law Review, vol. 2, no. 1, November 2010, p. 67.

¹⁶ *Ibid.*

¹⁷ United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, adopted 18 December 1979, available at: <https://www.un.org/womenwatch/daw/cedaw/text/econvn.htm>

¹⁸ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, G.A. Res. 217A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html>

against inhumane treatment and abuse. Honour killing breaches these articles since it causes bodily and emotional harm to the victim. Furthermore, Art.12 of the ICESCR (International Convention on Economic, Social, and Cultural Rights)¹⁹ of 1976 states that governments shall make all necessary efforts to guarantee the best possible standards of physical and mental well-being. As a result, governments are required to prohibit actions that inflict bodily or mental harm, including honour killing. Some laws are not legally obligatory but are suggested by the United Nations to be followed. For example, the BPFA 1995 (Beijing Platform for Action)²⁰ declares that human rights also include the freedom to make independent choices for women and to make free decisions about their sexual and reproductive health. 'Honour killings' also violate the Convention on the Elimination of All Forms of Discrimination against Women (1979). The United Nations General Assembly resolution that set up the Human Rights Council in 2006 decided "that the Council should be entrusted with fostering universal respect for the safeguarding of every fundamental right and freedom with no distinction of any sort and in a just and equitable manner. Thus, we can see that International Human Rights Law is opposed to honour killings and is unwilling to defend them under the pretext of "cultural or traditional rights".

VI. CONCLUSION

The practice of honour killing has become widespread in many parts of the world. The United Nations estimates that the number of murders under the pretext of honour every year is approximately 5,000 globally. According to various reports, honour killing is more frequent in South Asia and the Middle East. Around 1,000 honor killings take place annually in India. Honor killings are rising at alarming rate in north India, especially in the regions of Punjab, Haryana, Rajasthan and Western Uttar Pradesh where khap panchayats are more active. There has been a rise in the frequency of honour killings committed by these khap panchayats targeting young couples who defy their unlawful rulings. Discrimination and acts of violence towards women are on the rise globally. Honour killings occur everywhere in the world, even in nations like the US, UK, France, etc. Individuals who murder women for the sake of protecting their honour manage to get lenient punishments in nations with discriminatory criminal laws, such as Jordan and Egypt. Women are regarded as the possession of the men in the family and whenever they violate the defined limits in the male-dominated society, they are murdered to

¹⁹ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html>

²⁰ United Nations, Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, 27 October 1995, available at: <http://www.refworld.org/docid/3dde04324.html>

uphold the honour of the family or community. Honour killings violate different international laws as well as go against the principles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. A lot of development and awareness is needed in society with the combined participation and initiatives from every member of the community to accomplish the objective of gender equality and to eliminate this heinous crime of honour killing from today's modern society. It is necessary that honor killings be recognized as distinct crimes under Indian Criminal Law. Eliminating honour killing would need separate legislation, since the current sections of the Indian Penal Code, which deal with crimes such as murder and abetment, are inadequate for honour killing. Even though International law provides for the protection of women there are no specific laws directly dealing with the issue of Honour Killings.
