SUGGESTIONS

India is a country where women are worshipped in the name of Goddess but at the same time torment and torture against a woman still today, a blazing issue. Hardly, a day passed where we can deviate our mind from the topic of violence against women in the newspaper or in news channels. From an unborn child to 80 years old women all are in precarious condition. It is really an oxymoron to find that on one hand a woman was given the status of ‘Devi’ and on the other hand left to ‘Die’ after applying a tremendous brutal form and that too, in the presence of Law and Justice.

In our Indian society Honour Killing is taking place in the name of culture and tradition. From the concept of patriarchal dominance to present masculine mentality, the trend has been going on unconventionally. Honour killing is now prevalent all over India. Immediate awareness is required in this ignored part of the cruel criminal offence. Law needs to be used as a guard to eliminate this crime in the name of “Honour” completely. Honour Killing is an merciless and iniquitous deed. It is an offence against humanity. So to prevent this social evil and to make people aware this paper is arranged. So that, lots of campaigns, preparations and efforts have to be made before it becomes widespread.

The purpose of this research work is to focus on the recently growing trend of crime in the name of ‘Honour Killing’ and the illegal role of Khap Panchayat to curb this offence. The Researcher tries her best to point out what actually Honour Killing is and how it occurs. Different Indian laws dealing with this crime and their incompetence has been discussed in detail. International laws related to protection of women and different Conventions correlated with women empowerment has been stated clearly.
During the times of Aryans in ancient India, women relished full and complete freedom and equality with men. They had an equivalent and admirable status in the society. No ‘Yajna’ could be completed by a husband without the involvement of his wife. Women were given education along with men and they could also study the religious scriptures like the Vedas etc… With the influx of foreign interlopers during medieval period Purdah system created a fright in the mind of all. Today though in spite of different violence a woman is considered as ‘Shakti’ or ‘Prakiti’ and the “Everlasting energy of ancient Hinduism”.

Honour Killing is done to preserve the “Honour” of the family by any means or process. So in this crime murderers or killers are sometimes known to the victims as their own biological parents or family members are involved to provoke such offence. This is very strange to note that, family members while becoming outrageous don’t keep any ground of consideration to rectify or to solve the issue. They simply decide to slay their own children involved in dishonouring the family. It is very surprising to express that a feeling of parenthood, is valueless in front of family ‘Honour’. A child is a God’s greatest gift. Every child and every relation is very precious but nothing can be sorted out by destroying or slaughtering life because until and unless there is life, presence of honour cannot be quantified. ‘Culture’ and ‘Tradition’ cannot be any obstruction in selecting a life partner. No culture or tradition is permitting to kill anyone in the name of honour. It is narrow minded mentality and superstitious belief which enable to commit such heinous crime. Sociologists firmly believe that the prime reason of continuation for Honour Killing is the stringency of the caste system. The terror of losing caste status on the basis of which so long prevailing superiority in society as these people have earned so many profits which instigates them to allow this crime in abundance. The constricted mentalities of these classes of people have
been cropped up due to the exercise of long practised tradition and custom. Superstitions suffused over education and reality in such a manner that they simply adopted a dark mind without leaving any space to ponder optimistically. No culture or traditions have any right to harm or kill anyone irrespective of gender on the basis of sensitivities or Honour. Every human being has a right to life, liberty and social security as guaranteed by our Indian Constitution under Article 21. The freedom of right to life does not signify right to death. So in another aspect, Honour Killing is simply violating the Constitution of India, the permanent and supreme document of our country. Marriage is such a tie which once tied cannot be untied (Paras Diwan). Marriage is a sacred union, legally allowable of two opposite sexes. Selection of life partners is highly important to enjoy a happy conjugal life. No laws can prevent the parties to marry each other if they are following the basic requirements given in different family laws. In marriage psychological, physical and mental union happens. When there is a unification of two souls, a new soul comes into existence. Possessing the same gotra or belonging to a different caste does not render the relationship between husband and wife as siblings or brother and sister. Imposing an aphorism on a marriage conducted by spouses of their own choice is not the right way to deliver justice. India is a democratic country where freedom to express own views and opinions and to stay safely and freely are the basic components of such autonomous structure. Most Honour Killings in India target young couples who venture to marry without family’s consent or outside caste are killed by their own family members as it is marked as an attempt to protect the fame of the clan. But instead of enjoying all these freedoms life of people are at risk and danger and in spite of 72 years of Independence crimes like Honour Killing are proliferating. These types of violence
are a hindrance to the smooth growth and progress of Indian social structure and hence a big threat to prosper and flourish independently.

As recently there is an outbreak of Honour Killings in the country this has even enabled the Government to think how it should be stopped. Violence against woman is not a recent phenomenon it has been deeply rooted in the Indian culture. Starting from Indian mythology to present patriarchal state India is not free from vehemence. As rightly said by Ex- Home minister Mr. P Chidambaram “We should hang our heads in shame when Honour Killing takes place in India in this 21st century. Honour Killings would have to be dealt with as murder.”

Honour Killing is considered as a law-breaking crime that impends the concord and synchronization of the community and it acts as a hurdle precluding to enjoy equal rights, equal opportunities and thereby to live a decorous life. It is a harsh flouting of human rights too. This crime dealt with a ferocious convention of murdering a woman at the hands of male family members, including fathers, brothers, uncles etc. for dishonouring their clan as they have selected counterparts of their choice. So, in brief, it can be said, dishonour notion is purified only with killing that is, sacrificing blood.

Women are enforced to consider every facet of their life from the viewpoint of their honour as a superiority, which is felt to replicate both the completeness of their social worth and the statuses of the male members of their family. Family reputation is dependent upon female “honour”. Female honour is passive in nature centering on qualities such as subordinacy, modesty, endurance and diffidence, whereas male honour is active and dynamic, centering on qualities such as self-assertion, dominance
and social status. Mr. K.S. Money said, “Honour Killings” are most dishonourable. It is the worst form of discrimination against women. Honour killings are manifestations of a disease which can be seen in the form of dowry, discrimination, female foeticide.” Women are still considered as the property of the males in their family irrespective of their class, ethnic or religious group. The owner of the property has the full rights to decide its fate. The concept of ownership has turned women into a commodity who can be exchanged, bought and sold. Reasons throughout the past have insisted women to become persistent acceptors. Though today women due to enrichment in education started opposing contradictory situations they have not succeeded to stop violence completely. A disgrace in the name of divorce creates hardships until a woman is employed or has wealthy parents. Lawyer’s fees, court expenses, hazardousness of travelling often creates extensive trouble for a woman to endure. Everyone tries to convince her to accept even a cruel husband as to survive in society saving marital status is highly essential. A woman always craves to subsist with dignity and stability. But effects of the patriarchal system gave a death blow to her freedom of liberty and social security. By her very biological role, a woman needs fortification and safety. Sexual harassment, brutality, mental cruelty, emotional disharmony shatter their life very simply.

The year 1975 was celebrated as the International Women’s year under United Nations patronages. The resolution is to emphasize the thoughtfulness of the peoples of the world on the requirement to remove dissimilarities and disabilities like social, economical, political and personal from which women have been suffering for centuries in the male conquered world.

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It is recognized that traditional society in India was classified and based on disparity. An enigmatic feature of the discrimination based on sex was that women agonized greater infirmities, the higher they were in caste pyramid, for example, a Brahmin girl was legally allowed to marry only a Brahmin boy. Honour Killings are frequently said to have cultural roots in the concept of honour, as well as in inclusive forms of discernment and conventional male and female roles that cast women in low-grade positions. The Social Rapporteur on Violence against Women has acknowledged “economic and social issues” as causes contributing Honour Killings. Some Scholars have recommended that lack of economic expansion and opportunity are the grounds for poor men to assess “Honour” as a means of attainment and sustaining prominence in their communities. Even when women are not forced into suicide, confined or enforced to escape their homes, their movements may be condensed in many ways by the fear of Honour Killing. For example, a woman may elect not to report rape because the defilement she has agonized could be measured a blemish on her family’s honour that would be an excuse for the perpetrators to kill her.

Women and some men who are scared of Honour Killings in their home countries sometimes seek asylum in another country with a belief that they will be in precarious condition. One woman was given asylum in the United States basically on the basis of gender because she was afraid of becoming the victim of Honour Killing if she returned to Pakistan after refusing an arranged marriage.220

Honour Killings that are actually approved, and then disregarded or hardly punished, create sequences of violence fed by freedom. Perpetrators of Honour Killings who are conscious of how wrongdoers have been treated in the past often classify themselves

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to law enforcement authorities, assured that they will be penalized frivolously if at all. A more straight sequence of viciousness occurs in some cases where the victim’s family is dissimilar from the wrongdoer’s family. Many efforts to eliminate Honour Killings have fixated on making variations to domestic laws in countries that have been formerly unsuccessful to properly punish offenders. Regrettably, there is an indication that many of these legal modifications have not been enough to control the evidence.

The International movement against Honour Killings seeks to rear consciousness of the problem and form a linkage among those working to finish honour killings and other forms of violence against women. On its website, the Campaign broadcasts daily informs on Honour killings that have occurred around the world, as well as other practices of violence against women, such as, forced and early marriages, and the actions taken by governments and inter-governmental organizations to report them.

So now the right time has arrived to take some measures and steps to eliminate Honour Killing completely from society. Researcher finds out some crucial topography about categorizing the certain action of codes and crimes of honour-

- In Honour Killing merely on the belief of the perpetrators without justifying that it is really dishonouring the honour of a family or not a victim is murdered.
- The role of family members to create a catastrophe is immense. They don’t even bother the biological aspect of life that is, to kill their own children. For them, the family ‘Honour’ is much superior to any other matters. It is a pre-planned crime.

• It has been noted that in Honour Killing cases the woman is not only a victim but a man can become a prey of this killing too. So it is complete violation of basic inherent rights that is Human Rights and “Right to Life” as enshrined in Article 21 of Indian Constitution.

• The unconstitutional role of Khap Panchayat in solving the issues related to Honour Killing is as terrific and tremendous to articulate. The part of adjudging the cases simply is a horror in the name of solving ‘Honour Killing’ cases. No scope is provided to victims of Honour Killing to prove her /his actions which dishonoured their family.

• The custom of preserving caste values or communities lead to honour killing in society.

Crimes against women are crimes against humanity. So few suggestions for betterment of society are hereunder:

➢ Honour Killing is a humiliation for civil society. Governmental organizations and non-governmental organizations must initiate a social reform movement against this narrow superstitious mentality. The role of media in propagating to prevent this dreadful crime will always be vital. Because through media general masses can be made aware of the seriousness and brutal part of the crime. Governments both Central and State shall make budgetary allocations for the same.

➢ Honour Killing is such an area of criminal investigation which demands immediate attention. A comprehensive legislation needs to be framed to restrain this social issue completely. Until and unless there is a definite
legislation dealing with the crime wrongdoers will not be able to surmise the consequences of doing wrong or committing this crime.

- A suitable arrangement has to be generated to cope up with the inflated petition for the crimes committed on both men and women. Since disposal rate is slow there is a heavy backlog in all the courts and there are floodgates of litigation.

- To reduce the number of pending cases Special Metropolitan Magistrates (SMMs) can be appointed under sections 17 & 18 of Criminal Procedure Code. Chief Justice of India has the power to appoint such post. Even advocates and retired Judges can be appointed as SMMs. It will help to diminish the burden of cases drastically.

- Working days of the Courts should be increased. Frequent strikes by advocates; unnecessary postponement of work should be avoided. As the purpose of Court and law is to deliver justice and to render justice for all.

- A particular law is required to curtail the social evil often supported by caste-based Khap Panchayats. The illegal role of Khap Panchayats needs to be eradicated as putting themselves in the position of a Judge they are completely violent and arrogant to decide any matter. Their judgments in the name of Justice are completely forceful and provoking. They are merely killing and compelling the victims of Honour Killing to die.

- Enhanced methods to investigate crimes have to be formulated. Criminal Procedure Code does not serve the needs of today. Law is dynamic so it needs to be changed according to the changing needs of society.
Amendments are desirable to make all these required laws simple and easily coherent with suitable strategies. So that wrongdoers should ponder over the after effects before committing any crime.

A special number of women police investigating officers need to be recruited who are specialized in the art of investigating such as, to take cognizance of women’s complaint, to make efforts to find the guilty person and to examine the cases thoroughly.

All reports of vehemence against women committed in the name of “Honour” should be punctual, neutrally and thoroughly inspected. Police officers and administrators should treat these crimes of Honour Killing truly and meritoriously.

Honour Killing should be considered as one of the most dreadful crimes and should be characterized as a rarest of rare one.

Cases and circumstances which describe the terrific condition of the victims should be taken special care so that it should not be repeated. To avoid such circumstances special Committee need to be formed with efficient members to combat the same. For example, to rescue victims of Honour Killing from killers, to give them protection and support and to assist them to get rid of traumatic state etc.

Whenever there is any news of the formation of Khap Panchayat immediately inform Police to stop the gathering. Disallow them to continue with any further proceedings as their dictums often ended with the dreadful situation and humiliation publicly.
➢ Inter-caste and caste-related marriages should be encouraged as through these marriages harmony between different cast will develop. And, in short, it will help a nation to prosper freely without any fetters.

➢ Education is highly important in changing the stereotype mentality of people. Khap leaders, villagers need to be literate to discontinue such communal violence. As there is no honour in killing a life rather it is shameful to narrate.

➢ Special Fast Track Courts are to be established with well-experienced Judges to handle the cases of Honour Killing and to provide speedy relief to the victims.

➢ Indian Evidence Act needs to be amended to abolish torment and torture against women. Section 101 of the Indian Evidence Act which provides “Burden of proof” it need to be shifted on the accused instead of victims. As in Honour Killing cases, evidence wiped out before it reaches the Police station. So strict action can be taken against the wrongdoers if they try to obliterate evidence.

➢ Involvement of any political parties which abuses caste and religion should not be acknowledged by the Election Commission. As a democratic country, the leaders of the nation should not be of rigid mentality rather act as an inspirational and motivational character to enhance the social structure of the country.

➢ Support to victims and probable victims should be enlarged. So that, victims of Honour Killing must follow the same in case of urgent situation. In this advanced era of technology, its highly required to create awareness against this social evil. Proper records need to be uploaded so that general masses have knowledge about the ratio of this crime.
Cases coming under this category need to be dealt with very cautiously keeping in mind that honour of the clan should not be interrupted by proper rules and regulations are to be framed to proceed. True justice can be achieved by filing a case in Court and without any harm.

Amendment of Indian Penal Code is highly required as Honour Killing is coming under the category of homicide or manslaughter. Indian Penal Code deals with “Culpable homicide” (Section 299), “Culpable homicide amounting to murder” (Section 300) and “Culpable homicide not amounting to murder” (Section 304) but nothing related to specifically “Honour Killing”.

Public embarrassment should be stopped by creating alertness through propagation and campaigning as it brings a big stigma for the victims of honour killing which later compelled them to commit suicide. Justice in the name of embarrassment should be stopped.

No laws can make people conscious until and unless people are aware of their own. So attentiveness is necessary to kill this social malevolence. Because rational and positive thinking empowers a person to develop smoothly.

A separate comprehensive law entirely dealing with Honour Killing and the role of Khap Panchayat need to be framed to deal with this crime properly and to curtail the role of illegal Khap Panchayat. Severe penal provisions need to be implemented along with proper vigilance by a suitable authority to deter this criminal offence effectively and appropriately.

Special Investigation Team (SIT) with the Senior Superintendent of Police who is competent in doing a thorough investigation and has a sound record of detecting criminals shall be constituted to provide a support to the victims.
For curative actions, Executive Magistrates have powers under Criminal Procedure Code to take written declarations of good conduct who have criminal propensities to commit any crime. In this way, a criminal can be checked so that he/she should not do any repetition of any criminal act.

The police must protect immediately the runaway couple even couple bound by love by infatuation to stop any unsavoury dictates from Khap or to avoid any disaster.

The law enforcement agencies should be cautious to cure this malady in the name of ‘Honour Killing’ as social change of constricted minded mentality can be changed by supporting inter-caste marriages and bringing flexibility in religion.