CHAPTER -3
HONOUR KILLING IN INDIA

3.1 INTRODUCTION

“Honour” is an outlandish term. It bears different thinking in accordance with the mind-set of people. “Honour Killing” is a part to preserve family Honour by applying any methods. The rampant growth of Honour Killing in India are simply beaconing a grave danger to India’s development and progress. Rigid caste system and feudalism are deeply rooted in our Indian social structures. Honour Killings are a part of community mentality. It emasculates the freedom of individual choice, hovers in the face of Indian heterogeneity and shows no respect for the “Right to Life and Liberty” upon which Indian society is erected.

3.2 Definition of Honour Killing

In the modern age, the term was first used by a Dutch Scholar of Turkish society, Anne Nauta in 1978,\(^88\) that Honour Killings should not be confused in contradistinction to a blood feud. According to Segen’s Medical Dictionary\(^89\), the killing of a woman by one or more members of her family after she has despoiled or thought to have tarnished them in some fashion e.g., by committing adultery or marrying against family’s consent or wishes or other sexual indiscretion. Thus, Honour Killing can be termed as a customary killing. In brief, an Honour Killing is the homicide of a member of a family or social group by other members due to the belief of the executioners that the victim has brought some irreparable shame or indignity upon the family or community. Honour killing amounts to homicide and


murder because the act has been done with the intention and knowledge of causing death to the victims as they have alleged to have brought dishonour to the family.

3.3 History of Honour Killing

Honour Killing is prevalent since ancient times. For example; the Code of Hammurabi of Babylon which was issued in 1790 B.C penalized adulterous couples by drowning.

The 1075 B.C Assyrian Law of the civilization of Mesopotamia stated that the father of a tarnished virgin shall punish his daughter however he saw fit. In the holy book Bible the Book of Genesis, Judah demanded the burning of his daughter-in-law Tamar, whom he was told to be pregnant via fornication; this view is supported in Book of Leviticus. Honour Killings were also encouraged in Rome, China and Egypt.

In Shakespeare’s Titus Andronicus play Lavina, the main character was killed after she was being raped by her father. In Britain, for example, the fifth wife of Henry VIII was beheaded based on allegations of adultery.

In British literature, Shakespeare's another famous character Desdemona was killed over allegations of infidelity, and Romeo and Juliet tracked an ancient family feud over honour. King Arthur and the Knights of the Round Table centred on notions of honour.

The premise of the Three Musketeers was the King's guards avenging the betrayal of the king by Cardinal Richelieu. Origin of Honour Killing took place in Baluch and Pashtun tribal custom. Now International Women’s Human Rights group

\[90\] Law Z Vol.10 No.8, Issue 108, Aug.2010 P.10
reports that Honour killing also occurs in Bangladesh, Brazil, Ecuador, India, Israel, Italy, Morocco, Sweden, Turkey, Uganda and the United Kingdom\textsuperscript{91}. 

It is most prevalent in Muslim countries. In India, it is mostly prevalent in states such as Punjab, Haryana, and Western area of Utter-Pradesh and in some parts of Bihar\textsuperscript{92}.

A number of cases are unreported. Honour killing is an affront to Right to life with human dignity.

### 3.4 Honour Killing in India

In India, Honour Killing started during the time of partition in between 1947-1950 when everyday a woman was killed to preserve the Honour of family as the religious and social factors were in elevation. From glimpses of Indian mythology if we need to explore, the best example is our great epic “Ramayana”, where Ravana killed Surpanakha’s husband an army chief, Viduth Julvey whom Surpanakha had done ‘GandharvaVivah’ in a place called ‘Kalikey’. Ravana considered as an insult and in order to maintain his power and position killed her husband. ‘Sati Pratha’ was nothing but in the name of the superstitious convention to preserve the Honour of Hindu legacy by burning a buzzing woman with her husband’s dead body irrelevant to the fact of whatever age the husband was at that point of time. If a husband died his wife had no right to survive in this world anymore. Such devastating mental thought portrays narrow mindedness of people. Social Reformers like Raja Ram Mohan Roy, Iswar Chandra Vidyasagar were able to bring lots of changes in our slender Indian social structure but unfortunately, ‘Sati Pratha’ was abolished from society but as a

\textsuperscript{91}Law Z Vol.11, No.5, Issue 105 May 2010 P.25  
\textsuperscript{92}Legal Era, Vol.1 Issue IV Aug 2010 P.7
balance left dire social problems like ‘Honour Killing’, ‘Dowry Deaths’, ‘Domestic Violence’ as its successors. Thus, it is prominent that Honour Killing is predominant since ancient times and has been continuing without any ending.

In this twenty-first century when India is developing in different traits, a democratic country which guarantees for equal rights for both men and women it is very difficult to note that assassination is taking place and that too, in the name of ‘Honour’. The old patriarchal, feudal mentality has been evacuated in our Indian mentality in such a manner that in spite of technological developments and innovations India is unable to change its beliefs and thoughts and astoundingly, in the name of “Social mandate” dreadful crime like ‘Honour Killing’ taking place. In this era, due to easy access to Internet - What’s app, Facebook, Linkedin and other social networks proximity between young boys and girls have become very easy. Moreover, illicit relations are on rise as these Apps and Public sites personal pictures and status are uploaded and thereby one becoming enticed to another without any hindrances. In lieu of that, kidnapping is taking place of innocent children due to the fault of their parents for updating status habitually and thereby generating information and all details of that particular child. Kidnappers are simply tracing that particular child and achieving success in such conspiracy without any struggle. The surprising part of Honour Killing is, it’s not confined only to the murder of woman, a man can also be killed if both of them are in a relationship or have married against family’s wishes or consent or involved in inter-caste marriage. Maximum victims of Honour Killing are young couples or youths who have selected their life partners of their own choice. It’s very natural to be in love with other sex at any point of time but to kill them brutally for such step is not a solution.
The reason for Honour Killing is coming into spotlight as it is gross violation of our fundamental rights and natural rights and that too, in this 21st century when people are educated, cultured and aware of legal protection. Killing is taking place in spite of youths who are in their marriageable age and are established. Several incidents took place where marriage was already solemnized and the partners were leading a happy conjugal life still, for the reason of inter-caste marriages parents are after their lives and don’t think twice about the consequences, as their anger and honour are of such high stretch.93 Rich or poor, upper caste or lower caste, at a certain level all women are vulnerable to various forms of violence. But while the rich can ‘Buy’ safety by sequestering themselves in gated communities and with personalized transport, the poor have nowhere to hide. As the lives of so many poor women living in cities demonstrate, their poverty, their inability to get secure housing combined with cities that only cater to the needs of the rich, increases their vulnerability.94 The term ‘Honour Crimes’ is a misnomer as there is nothing honourable about it. However, it has come to encompass a variety of violence against women, such as murder, assault and detention, most of which involves preventing a person from exercising his choice in marriage or relationships. Such crimes are often committed by the family or by members of the community which perceives that there has been a ‘Threat to Honour’ thereby giving the crime a social sanction. In this context, there is a publicly articulated ‘Justification’ that is attributed to a social order claiming to require the preservation of the concept of ‘Honour’ vested only male (family and/or conjugal) control over women, and specifically women’s sexual conduct; actual, suspected or potential (Lynn Welchmen and Sara Hossain).

There are varieties of reasons that may activate an Honour Killing. Honour Killings may be either a projected upshot that is the offenders plan for the victim to die in an assault or as an accidental outcome of some other honour related mistreatment.

In the United Kingdom, the London Metropolitan Police have identified the following categories:

- Unapproved relationship with a person who is unacceptable in a family.
- Extra-marital affair.
- Rejecting an insisted marriage.
- Pregnancy outside of marriage.
- Seeking a divorce even from an abusive husband.
- Kissing or closeness in a public space.
- A victim’s refutation of religious or religious commands.
- Alleged sexual promiscuity on the victim’s part.
- Unsuitable dress up and presentation in public.
- An interfaith relationship.
- Eloping from school.
- Having a boyfriend and girlfriend.
- Victims of rape.
- Reporting of any abuse to any police or other authorities.

These are different reasons prescribed by the London Metropolitan Police. From the above stated reasons it is crystal clear that the motive behind Honour killing has the universal sole reason that is protection of Honour which is immensely essential to survive in the society and whatever reasons it may be to kill the victims who are violating this supposed earned or gained family ‘Honour’. Honour Killings thus, is a
distinctive type of violence with a disparate pattern of stimulus and oppression. As in the words of Human Rights Watch, 2011-

Murders in which victims, predominantly women, are killed for perceived immoral behaviour, which is deemed to have breached the Honour code of a family, or community, causing shame.

3.5 Methods or Modes of Honour Killing-

India is a multi-cultural country where principles of customs and traditions are having higher value and respect. This belief narrates the ethnicity and dogmas of different Hindu Shastras and Hindu scriptures which Indians have preserved very carefully and consciously. So if there is any violation of any such feelings people start attempting unlawful acts to diminish the same. It is noted that, women are measured as an assets or goods of men and it is responsibility of men to manage women as they exceptionally bear the symbol of Honour in a family. Perpetrators of Honour killing are father, mother, brothers and uncles sometimes caste or community members from the same neighbourhood and they use provocative measures to murder the victims in order to abolish the iota of shamefulness from the society.

3.5.1 By Poisoning

This is one of the methods applied to kill the victims of Honour Killing. In cases of extra-marital affair, inter caste marriages, pre-marriage pregnancy or sometimes a woman unable to reproduce, the family considers all these actions as shameful and disgraceful and forcefully apply poison to the victims to get rid of all these dishonorable acts. Even in some cases it has been found that victims themselves swallow poison to exonerate themselves.
In Chennai at Thoothukudi district Gomathi, a girl at the age of seventeen had fallen in love with a Dalit boy Murugana, twenty two years old and decided to settle together. Her brothers promised her to approve her marriage if she returned to her own house. She came back with a trust but later on she was poisoned by her family members to restore the Honour of the family.  

3.5.2 By Stoning

This is another method of killing the victims who has violated the societal norms of Honour policy of the community. This method is usually applied by the community members along with the family members to cast off the victims for infringing the alleged societal rules and norms which is creating unnecessary violation of the established values and principles of caste system.

An incident which happened in a remote village of Andhra Pradesh where a boy Srinivas performed marriage with Swapna Reddy, villagers felt it was a matter of shame so they unanimously decided in a group to kill the couple by throwing stones at them after being tied compactly.

3.5.3 By Shooting

This is one form of killing under which the victims are in a notion that they have violated the decorum of Honour of a clan. In this process gun, pistols are used to kill the victims directly and easily.

A twenty two year old girl shot by her brother who was constrained and opposed to have illegal relations with boy in Muzaffar-Nagar district, Loee village in the name of violating family Honour.  

Another instance is Samia, twenty nine years old woman, mother of two children was shot in her Lawyer’s office at Lahore for seeking divorce from a violent husband after ten years of her marital life was a matter of big shame for the family to accept. Even her Lawyer Jilani and his group were threatened by family members for assisting her to obtain divorce.

3.5.4 By Hanging

In some cases family members or villagers adopt this process of killing for the violators of family Honour. They usually hang them with the ceiling fan or in a tree at the outskirt of village so that the entire incident should go unobserved. The case of Nirupama Pathak, a journalist in Delhi who had fallen in love with a Kayastha boy of lower caste name Rajan. When her family members became well acquainted with the fact they called her with a trick at her native place, the following day she was found dead but the family members stated that she hanged herself thereby committing suicide but the Post mortem report confirmed it was a clear case of murder.

The case of Bhavana Sharma, a twenty one years old girl, final year student of Sri Venkateshwara College, Delhi was in love with Abhishek Seth, twenty four years, Assistant Programmer at the Cabinet Secretariat. Bhavana belonged to Yadav who hailed from Rajasthan and Abhishek from Punjab and as a repercussion of this difference the entire family of Bhavana was against the relationship. The couple

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married on 12\textsuperscript{th} Nov year? without any blessings from their parents. Bhavana’s parents convinced her that they have accepted their marriage and hence they want to fulfill all marriage rituals by organizing a grand reception. They took her back to her own house at Dwarka and killed her. When Abhishek lodged an FIR as there was no news from Bhavana after returning to her maiden home. The family members replied she died due to snake bite so they brought the dead body at Alwar for her cremation ceremony. Whereas the truth is, they physically abused and strangulated her for destroying family Honour.

3.5.5 By Beheading

This method of killing takes place when the family members become furious and unable to tolerate the family dishonor brought by the victims. They use sharp edged weapon to kill the victims by separating the head from the body.

The case of Nidhi and Dharmender Barak belonging to same gotra was a glaring example of beheading the victim by her own family members.\textsuperscript{98}

3.5.6 By Brutal Whipping

This is one of the common punishments imposed on the violators of Honour Killing. As the momentum of furiousness remain so high that the family members do not bother to concern about any outcome. Harshly beating the victims gives the family members a relief to stay away from the pain of shaming the family culture in society. According to a judgment given by Punjab and Haryana High Court in 2008, it was stated that there were thousands of cases of young couples who had been victimized

\textsuperscript{98}Editorial, “Parents murder daughter, lover for honour in Haryana” \textit{The Hindu}, Sept.20, 2013.
because they crossed the ‘Lakshman Rekha’ determined by their communities, castes or families.

3.5.7 By Burning

This process is applied when the family members want to conceal the real fact from the society or from other people. They abolish the evidence related to murder or demolish any sort of informations related to killing and mostly kill the victims by burning to stay safe.

The very recent news published in ‘The News Minute’ on June 5, 2017 where the headlines are “Pregnant Muslim woman burnt alive by her own family members for marrying a Dalit man in Karnataka” is enough to justify the above stated method in Honour Killing.

3.5.8. By Stabbing

This is another cruel process applied in case of contravention of Honour Killing. Victims are simply stabbed for committing adultery, continuing an affair with an outcaste, having illegal sexual relations etc. Like beheading, stabbing also take place by using sharp weapons.

One of the few parliamentarians with a documentation of raising women’s issues both in and outside Parliament, Brinda Karat99 feels that Honour killings and Honour-related nuisance do not get the concentration they ought to have from the executive or the legislature. She says that it was the political parties which came collectively to determine on this problem. In an interview to Frontline, she explained the magnitude

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99Brinda Karat to PM on “Honour Killing” Saturday, 2010 Available at https://cpim.org/content/brinda-karat-pm--honour-killings.
of identifying these crimes as a different category and the requirement for special 
laws to deal with them as it had been done in the case of Sati Pratha. However, she 
said that she has raised the issue of Honour killing numerous times in the Parliament, 
but the respond which she got was that they do not recognise the crime of Honour 
killing as a separate class and therefore, no separate laws could be framed.

Reports\textsuperscript{100} submitted to the United Nations Commission on Human Rights shows that 
Honour killings have occurred in Bangladesh, Great Britain, Brazil, Ecuador, Egypt, 
India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey, and Uganda.

In countries not submitting reports to the UN, the practice was condoned under the 
rule of the fundamentalist Taliban government in Afghanistan, and has been reported 
in Iraq and Iran. But while Honour killings have elicited considerable attention and 
outrage, human rights activists argue that they should be regarded as part of a much 
larger problem of violence against women. In India, for example, more than 5,000 
brides die annually because their dowries are considered insufficient, according to the 

Crimes of passion, which are treated extremely leniently in Latin America, are the 
same thing with a different name, some rights advocates say. “In countries where 
Islam is practiced, they are called honor killings, but dowry deaths and so-called 
crimes of passion have a similar dynamic in which women are killed by male family 
members and the crimes are perceived as excusable or understandable,” said Widney 
Brown, advocacy director for Human Rights Watch. The practice, she said, "goes 
across cultures and across religions." Complicity by other women in the family and

\textsuperscript{100}I, RajuSaraswati, “Honour Killings-Crime against Mankind”, 10 IOSR 1 (2013).
the community strengthens the concept of women as property and the perception that violence against family members is a family and not a judicial issue.

“Females in the family: mothers, mothers-in-law, sisters, and cousins, frequently support the attacks. It's a community mentality,” said Zaynab Nawaz, a program assistant for women's human rights at Amnesty International. Hundreds, if not thousands, of women are murdered by their families each year in the name of family 'Honour.'

It's difficult to get precise numbers on the phenomenon of Honour killing; the murders frequently go unreported, the perpetrators unpunished, and the concept of family Honour justifies the act in the eyes of some societies.

3.6 Honour Suicides

An Honour suicide is a substitute for an Honour killing. It has occurred when people order or pressure a woman to kill herself: this may be done so that people avoid penalties for murdering her\textsuperscript{101}.

This phenomenon appears to be a relatively recent development. The state machinery that is the police has to be more proactive rather than reactive to the horror of Honour killing.

Many a times the cases are reported as suicide and then nothing goes through in order to be tried in the courts\textsuperscript{102}. Some times after hearing news or disclosing fact of inter-caste marriage, inter-religious marriage, marriages within the same gotra, refusing arrange marriage or committing adultery, pre-marriage pregnancy and

disobeying the order of customary religious practices their family members could not tolerate such incidents and considered such acts as dishonour to the family, caste and under pretext of fear of dishonour to the family, their family member i.e., father, mother, brother, grandfather, grandmother etc. themselves commit suicides.

In a similar incident, a forty five years old woman unable to bear her daughter's marriage with her cousin brother, allegedly committed suicide nearby Chinnamanur.

Her twenty three years old daughter fell in love with Ilayaraja who is twenty seven years old while working in Coimbatore and Triuppur and married each other two days ago after one year of courtship. Traumatized by the news, the woman consumed poisonous substance. The woman succumbed to effect of the poison without responding to treatment\textsuperscript{103}.

\begin{figure}
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\caption{Diagram 1. Magnitude of the Incidents in various Regions of Haryana}
\end{figure}

\textbf{Figure V Magnitude of the Incidents in Various Regions of Haryana} (\textsuperscript{104}Image as accessed on 20\textsuperscript{th} July, 2017).


Haryana is one of the states where there is recurrent happening of the events of Honour killings. The socio-cultural existence of Haryana includes the configurations of semi-tribal and patriarchal society, i.e. most of the population residing in rural areas and pursuing agriculture-based occupations; support to social orthodoxism and cultural traditionalism in spite of speedy economic and infrastructural expansion. In this state, Honour based violence, and Honour killings are not a new wonder. A systematic observation of the socio-cultural mind set of the major communities, especially the martial communities (mainly Jats) discloses that the term ‘Honour’ owns much importance among certain populations. The word Honour exhibits inclusive implications in Haryana and it is measured as a very noteworthy integral part of socio-cultural values. The meaning of Honour and Honour based killings related to women is multi-dimensional in the province. One aspect is that if the woman of the family is insulted, tormented, hassled or demoralized sexually by other man, it is reflected as outbreak on the Honour of male family members and it possibly causes ferocity against the accused which may result into his killing as well. The other portion narrates to those situations in which the married woman creates extra-marital relations with other man and it is considered as homicide of his Honour by her husband.

Another type of Honour related violence, also consequential into Honour killings, is the girl establishing pre-marital romantic or sexual relationship with any boy or keen to marry the boy of her own selection. The pre-marital romantic or sexual relationship of the girl is also considered as contravention of Honour by the family members of the girl and hence not endured. Even if the girl is eager to marry the boy of her own choice, she is accredited as insulting the Honour of the family. The situation gets more intensified when the boy with whom the girl has proven relationship or is ready
to marry belongs to the low-grade caste, or the other religion. There are obvious possibilities of Honour based violence against the girl which usually results into the murder of the girl, the boy or of both.

As mentioned in previous part, Haryana retains abundant correspondences to the state of Punjab in the socio-cultural configurations. The apprehension of Honour killings is one of the most frightening in Haryana. Due to its agrarian fruitfulness and rapid industrialization, Haryana has been counted as one of the most advanced and prosperous states. But quite analogous to Punjab, Haryana still represents the characteristics of tribal or semi-tribal region as far as the socio-cultural mentality and social behaviour of the rural crowds has been concerned. Opposition to love-marriages and particularly bigotry towards inter-caste, inter-religious marriages quite often results into the Honour killings in Haryana.

3.7 Inter-caste Marriages and Honour Killing

In India one of the severe forms of customary rigid practices is caste system. People have divided themselves as per Upper caste and Lower caste depending upon their community and status. Though Indian Constitution clearly mentions abolition of untouchability under Article 17 but yet in some caste system untouchability still persists. In the history of Indian society if we go through, then several killings or evil practices have taken place in the name of Caste and Caste system. The reason behind increasing statistics of Honour Killings nowadays are people craving to protect their Honour as they are in a fear to lose their social status if inter-caste marriages took place. Caste system is having such an influence that people following the same view are stubborn in their decision and pronouncement.
In a renowned case *Lata Singh v State of UP*, Justice Markande Katju and Justice Gayan Sudha Mishra have agreed to an order on Honour killing being propagated across India. The Bench declared that,105

“The Caste system is a curse on the nation and the sooner it is destroyed the better”. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation united. Hence, in inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news is coming from several parts of the country that young men and women, who undergo inter-caste marriage, are threatened with violence. Or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished.

This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter religious marriages the maximum they can do is that they can cut off social relations with son or the daughter, but they cannot give threats or commit or instigate act of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage.

There are several instances of Honour Killings in India where due to strict caste system many people are killed. A twenty years Dalit boy proposed a fifteen years old upper caste girl at School his brothers felt ashamed of the same as it hurt their ‘Honour’ and he was brutally murdered by them.106

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105 AIR 2006 5SCC 475.
In Indore, Jyoti a resident of Pardeshipura, was in love with a lower caste boy and planned to elope with him as her father was against her wishes. After the matter was revealed her father tried his best to persuade her and to resist her but unable to do so in order to conserve family Honour her father murdered her and confessed the same in presence of local police.107

In Mumbai at Bandra district, a girl named Sushma who belonged to a Bramhin community was in love with a Dalit boy. Family members of Sushma were against her desire and killed Prabhu though they had solemnized marriage without their consideration. Today Sushma stays at her in-laws house and surviving with her widowhood.108

In the case of Geeta Singh v. State of Rajasthan109 the Court observed that boys and girls of marriageable age have the full liberty to select their own spouse. If any of the family members threatens or harasses them the Court directed the State to take suitable steps to prevent such dreadful crime. In Ashok Kumar v. State of Punjab and Haryana110 the Court observed that Indian traditional practice does not permit to conduct love marriage as it hit the very concept of caste system.

In Sajith Kumar v. State of UP111 the High Court held that any people willing to marry from different caste or community have full right to conduct the same. No parents or guardians have legal right to harass them or to stop the marriage. Annoyance, maltreatment or murdering of such persons for bringing dishonour to family should be prohibited. Such practice of Honour killing is a blemish in the

107Dishonour killing: father kills daughter in Indore, NDTV News on dated, 29/04/2012.
110Ashok Kumar v State of Punjab and Haryana (2009) DMC 120.
111AIR 2002.
society. High Court directed police to take strong procedures against those who commit such Honour killings.

And in the most notable case *Lata Singh v State of U.P and Others*\(^\text{112}\) the Court observed that, if the young couples solemnizing love marriage are major then there is no right to prevent them in the name of caste and Honour. Indian Constitution clearly allows right to marry with a person of his/her choice.\(^\text{113}\) In fact Hindu personal law does not bar to commit an inter caste marriage. So hereby it is absolutely clear that every citizens of India have complete liberty to select his/her spouse as per their choice.

### 3.8 Relativity of Honour Killing with Religion

Religion is one of the most significant social philosophies. According to Emile Durkheim, “Religion is an integrated system of beliefs and practices related to sacred things, that is to say, things set apart and forbidden beliefs and practices which unite in to one single moral community called a church, all those who adhere to them\(^\text{114}\). Religion is the part and parcel of human social life to exist in society without fear.

According to Edgar Allen Poe\(^\text{115}\), “All religion, my friend, is simply evolved out of fraud, fear, greed, imagination, and poetry.”

In the words of famous Jurist Napoleon Bonaparte, “Religion is excellent stuff for keeping common people quiet. Religion is what keeps the poor from murdering the rich”.

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\(^{112}\) AIR 2006 SC, 2522.

\(^{113}\) Article 21 of Indian Constitution


\(^{115}\) available at www.goodreads.com (visited on Sept22\textsuperscript{nd},2017).
So religion is a devotion which demonstrates faith and worship by believing in supernatural things. During the early 18th century in the history of Jurisprudence we can trace ‘Natural Law School’ where faith originated from some supernatural beliefs and things. Natural Law according to Jurisprudence implies those beliefs and ethos which are deemed to have incorporated from some superlative source other than any political or worldly influence. Different Jurists have given variety of opinions related to ‘Natural Law’. Some say that these conventions have appeared from God, some find their source in Nature, and others say that they are product of reason.\textsuperscript{116} So faith in God and thereby religion is time immemorial. It has universal application. These notions are sometimes used in conflicting purposes irrespective of the fact that it is right or wrong.

The word “religion” is derived from the Latin word ‘religo’ which means principles of Divine Communication or the bond that is recognized between man with laws of nature. All religions consist of mental assertiveness along with the belief of supernatural power. The Hindu society is governed by traditional and customary feelings added with rituals and ceremonies. For a Hindu, doctrines mentioned in Hindu philosophies and Hindu cultures are time immemorial. The Hindu society governed by religious conceptions of Hinduism\textsuperscript{117}. These beliefs are something which is imbibed in Hindu values and ethos. Honour Killing is one of such extracted social crime in the form of customary killing which has a great pre-dominance in Hindu society.

Regarding Honour Killing there is a close affinity in between religion and Honour Killing. As Honour killings occurs only in those families where there is an


\textsuperscript{117} A. R. Desai, \textit{Social Background of Indian Nationalism} 288(Bombay Popular Prakashan, Bombay, 5th edn., 1984).
impediment in fulfillment of religious beliefs. The case Rizwanur Rahman at Kolkata is sufficient enough to justify this statement. In this case Rizwanur was murdered by Priyanka Todi’s father as she is a Hindu by birth and Rizwanur a Muslim boy belonging to different caste. Rizwanur had a Computer institution where he used to take computer classes and he worked as Computer Graphics Trainer. Priyanka used to go in that computer classes for better enrichment of her knowledge. After few days they fell in love with each other and decided to marry. One night they eloped without family’s consent and Rizwanur’s family accepted that marriage and Priyanka started living with her in-laws (only mother in law and brother in law was there). After two days they repeatedly started facing threats from Priyanka’s family as her father was a big business tycoon. Her maternal uncle also conspired to convince Priyanka to return home as it was said to her deceptively that her mother was bed ridden. Priyanka went to her own home after that day she never returned and in between Rizwanur was murdered and his body was thrown in an outskirt of railway lines. In a letter supposedly written by Rahman to an NGO before his death, he specified that he was eager to transform to Hinduism in altercation for a nonviolent married life.  

This incident of ‘Honour Killing’ is enormously shocking as it simply imply that religious faith and prejudices are so superior that people in reliance of it does not bother to apply any harm to other belonging to different caste and community. Happiness and non-aggressive life are insignificant when question comes to conserve Honour and religious belief in family people of religious sentiment becomes dominant.

Editorial, “Rizwan was ready to convert to Hinduism” The Indian Express, Sept. 24, 2007.
Another grave case of Honour Killing took place on 3 February, 2018 where a young photographer Ankit Saxena\textsuperscript{119} of twenty three years was brutally murdered by her girlfriend’s brother and father. Ankit and the woman Shehzadi were in a relationship for the past two years and belonged to different communities. Ankit ‘denied’ being in a relationship with the woman whose family members had allegedly accosted and thrashed him before slitting his throat with a knife, the Delhi Police said after talking to eyewitnesses.

3.9 Definition of Honour Based Violence (HBV)

After discussing the term ‘Honour’ the Researcher is is trying to associate in her research study Honour based Violence or HBV and its role with Honour Killings. There are different opinions rather a substantial debate related to the definition of Honour based violence. For an instance, where authors have explained diverse definitions of Honour based violence it is complicated to evaluate conclusion, and this means that generalizations are challenging. Many definitions of HBV define it entirely as a type of violence against women (Hossain and Welchman, 2005), writers like Meetoo and Mirza (2007), define HBV solely as a category of domestic violence by men against women. This constricted definition directs concentration to just one kind of performer and victim. Nevertheless, as we can observe there are male victims of HBV and female perpetrators, therefore these types of HBV are unambiguously abandoned by this description. The definition given by the U.K Association of Chief Police Officers (ACPO) is gender unbiased and is not definite about what criminality

is integrated and also which allows for a broader series of behaviour to be classified as HBV. Definition given by ACPO is as:

“a crime or incident, which has or may have been committed to protect or defend the Honour of the family and or community (ACPO, 2010a).”

3.10 Types of Crimes associated with HBV

This part will illustrate the characteristics of different types of crimes in relation to Honour based Violence in earlier stages of a female child-

3.10.1 HBV aimed at children

Under Indian patriarchal culture familial preference for male children subsists. In these families male members are considered of higher standing and ideals as compare to females. This happens with the notion that male members are of great help to run a family as they earn money and support financially. Moreover due to birth of a male member a family is graded high position as in the time of marriage a male member is supposed to receive huge amount of dowry from the bride’s family which is another form of financial sustain for a family. As many of Hindu traditions permits to fulfill rituals only by a male family member, every family craves for male members and considers them as a boon in their life as they are blessed if a male member takes birth in a family. On the other hand, birth of a female member is painstaking and considered as a bane for a family as they are only a burden for the family and a reason of loss of status and financial crisis. They are taken as granted in the category of liability or encumbrance. Giving birth to a female child means the status of that family does not have the liberty to enjoy the social interface until and unless a male

member is born to control that severe loophole. The importance attached with the birth of a male member is still subsisting and hence the wrong conception of maintaining social superstitiousness is still in progress without any check.

3.10.2 Sex Selective Abortion

Due to superficial perception of male offspring for some families, family members to become assure involve themselves in determining the sex of an unborn child. As in some cases after having two or one daughters it is bit impossible for a family to consider a third daughter’s ingress in that family. The family firmly believe themselves the most ill-fated for giving birth to daughters and in maximum cases mothers are accused for delivering a female child and thereby ruining the family configuration. In the case while it is detected that the unborn child is female the family members are reluctant to accept female child immediately making arrangements for abortion without thinking about the mother’s health or typical condition. Female infanticide and feticide, though a burning topic nowadays but somehow it is related to heinous social crimes like Dowry deaths and Honour Killings.

3.10.3 Child maltreatment and desertion

There are rigorous prejudices exposed in treating a male and female child in a family. As a consequence, female child may countenance ill-treatment and ignore by virtue of becoming a female and she is denied equal scopes as compared to a male child who, by virtue of his sex usually receive. A female child is deprived of going to for higher education as she is only born to get ready for marriage. The very truth of a female child’s life is that she is born to serve her husband’s family. Several restrictions are also imposed on them and in many situations since their early
childhood life they are the victims of being ‘policed’ by the male members of the family. In one word, a female child since birth is under fetters no right to live with liberty and freedom, no right to opt any choice whether it is related to marriage or profession, no autonomy to decide their dreams and passions. In many rigorous family it has been seen that female child is helping her family in all sorts of household work and they are not even given proper food to eat as the best meal is prepared only for male child of the family. As it is a ritual to have water in the hand of male child while dying not from a female member who always are an embodiment of sacrifice and encumbrance.

3.10.4 Female Genital Mutilation

This is also known as in brief FGM which is female genital cutting, female circumcision or instigation. It is a surgical process often carried out by older female members of a family or members of broader neighborhood. The practice includes the whole or partial amputation of the exterior female genitalia. The World Health Organization (2012) has categorized FGM into four types-

Type 1- Clitoridectomy: Partial or total removal of the clitoris and in rare cases only the prepus.

Type 2- Excision: Partial or total removal of the clitoris and the labia minor, with or without excision of the labia majora.

Type 3- Infibulation: Narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the inner or outer labia, with or without the removal of the clitoris.

**Type-4-Others:** All other harmful procedures to the female genitalia for non medical purposes for example, pricking, piercing, incising, scraping, and cauterizing the genital area.\(^{122}\)

The majority of FGM takes place at the age between 5-8 years. A girl who has undergone FGM suffers from many disabilities such as, sitting and standing problems, even problems when walking, she may suffer from bladder problem and as a result difficulty arises while urinating and trouble in menstrual problems are very common side effects of FGM. It is estimated that in United Kingdom, 66,000 women have undergone FGM among them, 33,000 girls are at risky stage every year. (U.K Foreign Office, 2011).\(^{123}\)

FGM is a multifarious topic with an extensive multiplicity of reasons and motives behind it.

There are different reasons to go for FGM which includes—\(^{124}\)

- It brings position and respect to the girl.
- It conserves a girl’s virginity/chastity.
- It cleanses and purifies the girl.
- It is a component of being a woman.
- It is a sacrament of passage.
- It is traditional to achieve social status.
- It gives a girl social acceptance which is very vital to survive holding head high in a society and also to get marry.


\(^{123}\)Ibid

\(^{124}\)Ibid
• It fulfills the religious necessity though no religious preachings sustain the same.
• It gives a sense of belongingness to the girl and her family in their particular community.
• It is cosmetically desirable.
• It is believed that it helps during child birth for a non-adult female.

In this study the researcher discusses about the later affects of HBV in a girl’s life. As female child become adult different pressures and tortures become part of her sustenance. Maximum of incidents relate to cultural practices and traditions associated with marriage and natural expectations of leading a submissive life from women and girls. Different crimes can be highlighted in this context they are as under-

3.10.5 Dowry

This is one of the rampant practiced social evil and a reason of death for many newly-wed wives. Due to the notion of superiority of a male member in a family, dower is taken from the bride’s family and if they are unable to fulfill the demand then death is the ultimate reward received by the newly-wed wife. Not only that, after marriage due to failure of fulfillment of stipulated requirements the bride is tortured in such a brutal manner by her in-laws including husband that her life is no longer better than staying at hell. Under certain circumstances it has been observed in some states of India especially UP, Punjab, Haryana etc, groom’s family actually mention the name of the brand of car or other furniture while demanding dower. Due to severe harassment the bride commits suicide or was forced to commit suicide or
As it is very shameful for a bride to listen abusive languages for her parents so to save her family from dishonour or further trouble the bride prefers to die.

3.10.6 Forced Marriage

It is a type of marriage which is different from arranged marriage or love marriage. Forced marriage can be defined as:

“…a marriage happened without the valid consent of both parties where duress is an important factor (HM Government, 2007)”.

In a forced marriage, one or both the potential parties or spouses do not or cannot consent to the marriage. Duress can include verbal, psychological, emotional, physical and financial pressure to force marriage. In specifically notable that some individuals go ahead with a forced marriage because they are unaware that they have a free opinion to choose their own spouse. (Gill and Anitha, 2011). Forced marriages have a momentous impact upon its victims and can affect them emotionally as well as physically. Social isolation is also another consequence of forced marriage. Young girls who are forced into marriage are often stopped or withdrawn from education or conducted overseas marriage where female members become a fatal victim for not knowing the prevailing language in the country in which she lives thereby, prevented for being complaining to some social authorities about their dreadful situation. Some common justifications of parents for conducting forced marriages are mentioned below-

To build up stronger family affinity.

To target financial profit.

A wish to preserve family Honour from harmful cultural influences.

To control unwanted sexual relationship. For example, preventing from becoming a gay or lesbian etc.

A rejoinder from other family’s pressure that children should get married.

An aspiration to preserve cultural ethos and traditional dogmas.

To guarantee safety and security of children to get marry in a known family.

### 3.10.7 Acid attacks

This is one of the easiest and cheapest processes to destroy a life if she is unwilling to align to become her girl friend or wife or refuses his concentration or proposals and also in matters of family disputes related to marriage or non-fulfillment of demands of dowry. Generally it involves throwing of acid into the face and body of the victim. The prime motive behind this killing is to disfigure the beauty of a woman and to prevent her to conduct marriage to anywhere else. So long in acid attack cases every time a female become a victim of it no news of victim of a male has been reported till date.

### 3.10.8 Blood Feuds

Blood feuds are feuds between different families that believe the spilling of blood in order to reinstate the family Honour. This occurs in the name of revenge, a prolonged quarrel in between two families, and an unstoppable demand, etc. When family members involved in blood feud in many instances to end a blood feud it is exchanged by conducting a marriage which we can term “forced marriage”. And the
female bride who was forced to do the same is already stigmatized for hailing from opponent family has no other option other than to endure all tortures and abuses and to go through a life of domestic slave.

3.10.9 Rape

Another victim of HBV is the most notorious way to exterminate a woman is Rape. Though, in India under certain cases the rape victim was forced to marry the rapist or the attacker to preserve family Honour. Girls who are compelled to marry are often raped on the very day of wedding. After the case of Nirbhaya, still in India offence like Rape acquires highest position under crimes against women and that too, in Delhi-NCR areas.

3.11 Impact of HBV

The above -stated effects of Honour based violence are extremely stressful and at the same time shameful to jot down that these criminal activities are having tremendous detrimental effects on the victims or the sufferers .The victims are physically as well as emotionally and mentally traumatized by all these actions .In fact it can be seen after thorough study that victims sometimes causes self-harm after becoming the victimization of HBV.

Now what can be the category of Self-harm or injury which seems to be very general among HBV victims are mentioned below

- Grudging themselves from eating that is to say stopped eating food to bring harm physically.
- Self- cutting with blade or knife especially nerve, on their hands or torso to bring wound or injury.
• Burning themselves, set fire to get relief from world completely.
• Swallowing poison or other harmful drugs to terminate from living a life.
• Hitting or hurting themselves to bring abrasion.
• Cutting their own hair to modify a look for getting rid of social stigma if possible.
• Forcing themselves to stay isolated and become a mental patient.

All this above-stated self-harm is often concealed from others as it is an outrage of frustration, anger, anxiety and fear of negligence. This self-harm is frequently converted into suicide where victims lose the capacity of thinking or is not even ready to opt for an optimistic life and kill themselves. Self-harm can happen in many ways. No situations can be termed as fixed under this circumstances. As victim select their own to resort to self-harm with full pre-planning and thoughts. Every concept of Honour-based violence is attached to the preservation of ‘Honour’. Honour Killing about which researcher is trying to focus is one of the most shameful and dreadful crime in the name of ‘Honour’. There is no legal definition provided till date. It is one of the most prevalent and widespread recognized crime in the form of Honour-based violence. In 2000, the United Nations projected that there are 5000 Honour Killings per year worldwide (United Nations, 2000). The numbers are increasing day by day. In India; it has become an endemic of societal subsistence. There are wide varieties of reasons that may generate an Honour killing and these are broadly similar with other types of crime in the form of Honour- based violence.

In the cases of Honour Killing perpetrators are mostly family members who decide to murder the victims and 1-2% of cases contract killers are hired by the family members.

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to carry out the killing. So in some way or another, the killers are related to the family and very much well-known to them. Normally the victims of Honour Killing are young people with an average age around 23-26 years. It is not surprising that at this young age youth is involved in courtship and start dating each other and that actually becomes challenging for the elders of the family to accept as it hurts their family Honour if the young couples conduct marriage without family’s consent. Perpetrators of Honour Killing are mostly male members females naturally don’t take part except for the mother if she is against the marriage then, in that case, she assists the other family members to continue with the wrongful act.

So long it has been explored the nature of Honour and Honour-related violence and its impact on society. Honour based violence simply allow the victims to choose a path of darkness whether he/she is a literate or illiterate. No actions or steps are taken to reduce this so-called Honour-based violence. As we can see that the consequence of these crimes are very dangerous. To avoid social stigmatization and social pressure victim usually select an isolated life. Family members does not take any initiative to remove that superfluous darkness rather assisted them to continue in this depressing, gloomy life as for them Honour and family reputation are of greater importance rather than life.

This is very astonishing to see that Honour has much significance than human life. The life which is so precious and the best gift of God is so trifle in front of ‘Honour’. There is denial to accept the ways of the times but an unprecedented urge to become the custodian of preserving and continuing orthodoxy mentalitiy under the gambits defending Honour. In this 21st century with the advancement of technology and scientific process prominent roles has been played by women in different spheres.
Women are becoming educated, engaging themselves in different difficult activities along with household work still they lack the right to live with dignity, to live with safety and security. It is very shocking to note that law and order of a country is simply struggling to make a crimeless or crime free society. Every day there are cases of Rape, Honour killing, molestation, eve-teasing, sexual abuse etc. Nowhere a woman is safe and protected. Not only that, recently a report of DLU Professor says that women staying at the prison are victims of rape and sexual harassment. So a type of custodial violence is also noticeable that too, under the protection of Police custody.

It is really hurting to note that women who are an emblem of love, respect and prosperity snd are the worst victims of different communal crimes. It is ironical that on one side a woman is worshipped as Goddess and on the other left to die after applying tremendous brutal method. Cases sometimes does not even reaches Police station as evidences are wiped out by the family members to stay away from legal interferences. Matters are taken care by the illegal Khap Panchayats who do not even have the rights to deal with the same still enjoy a dominant position as the people surrounding them are highly enthusiastic that cases should be solved by them as the concept of tradition and culture are of great prominence.

As an accountable citizen, we need to persuade human rights of each individual. Marriage is one of the important Human Right for every human being. Then, the question is why we as individuals, society at large not able to absorb and endure if a person, irrespective of his or her religion, caste, creed, state, language, nationality, gets married into a different religion, caste and creed. The right to prefer a life-partner is a subject of one’s own choice. It is emotionally involved to the sentiments of a
person. After all, the person has to live with the other partner for the whole life therefore; he or she should have unconditional autonomy to choose life-partner. The legislation and judiciary are in favour of such marriages but the orthodox mentality of people needs to be distorted by stricter legislation and implementing the uniform civil code. They must not be permitted to influence the life of innocent humankind who loves each other, who dreams to stay with each other.

According to Mother Teresa, “Spread love everywhere you go: first of all in your own house. Give love to your children, to your wife or husband, to a next door neighbour. Let no one ever come to you without leaving better and happier. Be the living expression of God’s kindness; kindness in your face, kindness in your eyes, kindness in your smile, kindness in your warm greeting.”