

Comparative Study of Honor Killing

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ABSTRACT

An honor killing is the murder of an individual, either an outsider or a member of a family, by someone seeking to protect what they see as the dignity and honor of themselves or their family. Honor killing are often connected to religion, caste and other forms of hierarchical social stratification, or to sexuality, and those murdered will often be more liberal than the murderer rather than genuinely “dishonorable”. Most often, involves the murder of a woman or girl by male family members, due to the perpetrators’ belief that the victim has brought dishonor or shame upon the family name, reputation or prestige. Honor killings are believed to have originated from tribal customs. They are prevalent in various parts of the world, as well as in immigrant communities in countries which do not otherwise have societal norms that encourage honor killings. Honor killings are often associated with rural and tribal areas, but they occur in urban areas too.

KEYWORDS: *Dignity, Hierarchical, Stratification, dishonorable, Perpetrators, Reputation, Prestige*

INTRODUCTION

The origin of honor killings and the control of women and girls are evidenced throughout history in the cultures and traditions of many regions. The Roman law of pater families gave complete control to the men of the family over both their children and wives. Under these laws, the lives of children and wives were at the discretion of the men in their families. Ancient Roman law also justified honor killings by stating that women who were found guilty of adultery could be killed by their husbands. During the Qing dynasty in China, fathers and husbands had the right to kill daughters who were deemed to have dishonors the family

Among the Indigenous Aztecs and Incas, adultery was punishable by death. During John Calvin's rule of Geneva, women found guilty of adultery were punished by being drowned in the Rhône River.

Honor killings have a long tradition in Mediterranean Europe. According to the Honour Related Violence – European Resource Book and Good Practice (page 234): "Honor in the Mediterranean world is a code of conduct, a way of life and an ideal of the social order,

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which defines the lives, the customs and the values of many of the peoples in the Mediterranean moral".

Definitions

Human Rights Watch defines “Honor killing “as follow:

Honor crimes are acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonor upon the family. A woman can be targeted by her family for a variety of reasons including, refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce—even from an abusive husband—or committing adultery. The mere perception that a woman has acted in a manner to bring "dishonor" to the family is sufficient to trigger an attack.¹

Men can also be the victims of honor killings, either committed by members of the family of a woman with whom they are perceived to have an

¹ HUMAN RIGHTS: some crimes for honor violates human rights, infringes the right to live with dignity as per Article 21 of the Indian constitution.

inappropriate relationship; or by the members of their own families, the latter often connected to homosexuality.

INDIA HONOR KILLING

Honor killings have been reported in northern regions of India, mainly in the Indian states of Punjab, Rajasthan, Haryana, Uttar Pradesh, and the southern state of Tamil Nadu. The main reason for these crimes is a result of people marrying without their family's acceptance, especially when it is between members of two different castes or religious groups, or, more particular to northwestern India, between members of the same gotra, or exogamous clan. In contrast, honor killings are less prevalent but are not completely non-existent in the western Indian states of Maharashtra and Gujarat. Honor killings are reflected in nationwide data from the National Crime Records Bureau. That data showed 251 honor killings in 2015, though activists considered that a significant undercount. The same records bureau reported only 24 honor killings in 2019. According to a survey by AIDWA², over 30 percent of honor killings in the country take place in Western Uttar Pradesh. In some other parts of India, notably West Bengal, honor killings completely ceased about a century ago, largely due to the activism and influence of reformists such as Vivekananda, Ramakrishna, Vidyasagar, and Raja Ram Mohan Roy.

Honor killings take place in Rajasthan, too. In June 2012, a man chopped off his 20-year-old daughter's head with a sword in Rajasthan after learning that she was dating men. According to police officer, "Omkar Singh told the police that his daughter Manju had relations with several men. He had asked her to mend her ways several times in the past. However, she did not pay heed. Out of pure rage, he chopped off her head with the sword".³

In 1990, the National Commission for Women set up a statutory body to address the issues of honor killings among some ethnic groups in North India. This body reviewed constitutional, legal, and other provisions as well as challenges women face. The NCW⁴'s activism has contributed significantly towards the reduction of honor killings in rural areas

² (AIDWA) *All India democratic Women's Association is a women's organisation committed to achieving democracy, equality and women's emancipation. It was founded in 1981.*

³ Full report available on <https://m.hindustantimes.com/honorkilling-18-jun-2012-jaipur>

⁴ (NCW) *National commission for Women* It is generally concerned with advising the government on all policy matters affecting women.

of North India. According to Pakistani activists Hina Jilani and Eman M Ahmed, Indian women are considerably better protected against honor killings by Indian law and government than Pakistani women, and they have suggested that governments of countries affected by honor killings use Indian law as a model to prevent honor killings in their respective societies.

In June 2010, scrutinizing the increasing number of honor killings, the Supreme Court of India demanded responses about honor killing prevention from the federal government and the state governments of Punjab, Haryana, Bihar, Uttar Pradesh, Rajasthan, Jharkhand, Himachal Pradesh, and Madhya Pradesh.

Alarmed by the rise of honor killings, the Government planned to bring a bill in the Monsoon Session of Parliament July 2010[needs update] to provide for deterrent punishment for 'honor' killings.

In 2000, Jaswinder Kaur Sidhu (nicknamed Jassi), a Canadian Punjabi who married rickshaw driver Sukhwinder Singh Sidhu (nicknamed Mithu) against her family's wishes, was brutally murdered in India following orders from her mother and uncle in Canada so that "the family honor was restored". Her body was for Tamil Nadu has had 192 cases of honor killings, most relating to marriages between women higher in the caste hierarchy than the man she marries. These marriages in particular are considered "dishonorable" since the women of the caste are responsible for its continuation, by having children. According to Kathir of anti-caste group Evidence, "There is this firm belief that if I get my daughter married to someone of my own caste, I have succeeded in safeguarding it. And if not, one's prestige is challenged, and then there is barbaric anger". In 2016, Chinnaswamy, a member of the Thevar community dominant in the southern part of the state, ordered the killing of his daughter Kausalya and her husband Shankar, belonging to the Dalit Pallar community. The crime, taking place at Udumalaipettai Bus station, was caught on video with Shankar hacked to death in broad daylight, while his wife barely escaped alive. The accused in the case were at first sentenced to death, but later Chinnaswamy was ruled "not guilty" and the other killer's sentences were reduced and in an irrigation canal. Mithu was kidnapped, beaten and left to die, but survived.⁵

Some recent news

It is the news headline of The newspaper stating that The apex court, which delivered its verdict on a batch

⁵ Full report available on www.thenewsminute.com/Sankarcastekillingcase

of pleas in a 1991 Uttar Pradesh honor killing case, said it had earlier issued several directions to authorities to take strong measures to prevent honor killings.

Incidents of caste-motivated violence show that casteism has not been annihilated even after 75 years of independence and it is high time civil society reacts and responds with "strong disapproval" about the ghastly crimes committed in the name of caste, the Supreme Court has said. The apex court, which delivered its verdict on a batch of pleas in a 1991 Uttar Pradesh honor killing case, in which three persons, including a woman, were killed, said it had earlier issued several directions to authorities to take strong measures to prevent honor killings.

Those directives should be carried out without any further delay, it said.

A bench headed by Justice L. Nageswara Rao also said that to avert trial getting tainted and "truth becoming a casualty", the State has a definite role to play in protecting witnesses, to start with, at least in sensitive cases involving those in power who have political patronage and could wield muscle and money power.

It said that "bigotry" perpetuated by caste-based practices, which are prevalent even today, impedes the Constitution's objective of equality for all citizens.

"Two young men and a woman were physically assaulted for nearly 12 hours and killed by the accused for violating caste-ridden societal norms. These episodes of caste-motivated violence in the country demonstrates the fact that casteism has not been annihilated even after 75 years of independence," the bench, also comprising justices Sanjiv Khanna and B. R. Gavai, said.

The top court, while upholding the Allahabad High Court verdict with regard to conviction of 23 accused in the case, acquitted three persons in view of ambiguity in their identity.

Referring to the aspect of witness protection, the bench noted that 12 prosecution witnesses in the case turned hostile.

"Even if the witnesses have turned hostile, their evidence can be accepted, if they are natural and independent witnesses and have no reason to falsely implicate the accused," it said.

The apex court said the right to testify in courts in a free and fair manner, without any pressure and threat whatsoever, is "under serious attack today", and if one is unable to testify in courts due to threats or other pressures, then it is a clear violation of the

rights under articles 19 (1) (A)⁶ and 21⁷ of the Constitution.

"Right to life guaranteed to the people of this country also includes in its fold the right to live in a society which is free from crime and fear, and the right of witnesses to testify in courts without fear or pressure," it said.

The bench said one of the main reasons why witnesses turn hostile is that they are not accorded appropriate protection by the State. It is a "harsh reality", particularly, in cases where the accused are influential people and are tried for heinous offenses and they make attempts to terrorize or intimidate witnesses, the bench said.

"This unfortunate situation prevails because of the reason that the State has not undertaken any protective measures to ensure the safety of these witnesses, commonly known as 'witness protection'," it noted while referring to an earlier judgment of the Supreme Court.

The bench said that as a protector of its citizens, the State has to ensure that during a trial a witness can safely depose the truth, without any fear of being haunted by those against whom he or she has deposed.

It noted that according to Dr. B. R. Ambedkar, inter-caste marriage is one remedy to get rid of casteism in order to achieve equality.

"His vision for ensuring justice and equality to all sections of society, especially to the repressed segments, is well enshrined in the preamble of the Constitution," the bench said.

"Though the number is a tad less, honor killings have not stopped in this country and it is high time that the civil society reacts and responds with strong disapproval about the ghastly crimes committed in the name of caste," it said.

The 'panchayatdars' or caste elders have no right to interfere with the life and liberty of young couples whose marriages are permitted by law. They cannot create a situation whereby such couples are placed in a hostile environment in the village or locality concerned and exposed to the risk of safety, it said. The bench said in the interest of "liberty and dignity" of young men and women in choosing their life

⁶ Article 19 (1) (A) of Constitution of India guarantees to all its citizens the right to freedom of speech and expression.

⁷ Article 21 protection of life and liberty. It states that "no person shall be deprived of his life or personal liberty except according to a procedure established by law".

partners and in the interest of peace, tranquility, and equality in society, it is imminently necessary that directions issued by the apex court earlier should be carried out by states without any further delay.

It also referred to the Witness Protection Scheme, 2018, which was approved by the apex court earlier.

In the 1991 Uttar Pradesh honor killing case, a trial court in November 2011 had convicted 35 accused. The high court had acquitted two while the conviction of the remaining persons were upheld by the high court.

However, the high court had commuted the death sentence awarded to eight convicts to life term till the end of natural life.⁸

Khap Panchayat

Khap Panchayats are the ego-proclaimed leaders of caste courts in a village. Many regressive views are tried to be introduced. In medieval times, the khap panchayat, an endogamous, gotra-centric clannish body, became a strong organization in the region around Delhi in the face of the fragile existence of law and order as a result of repeated forays of foreign invaders in that belt. It had a double purpose to provide its members with protection, and to settle disputes among them.

The khap leaders hold complete supremacy and power within their caste group as custodians of honor.

Khap Panchayats must be abolished to some degree so that their lack of control in the villages can help to resolve matters.⁹

Method of the reasoning behind Khap activism

Is that different social caste has distinctive customs or precludes, whereby a male or female is unable to marry another male or female of different groups.

The endogamy principle

Implies the rule that forbids marriage to individuals from the same race, region, status, sub-position, or another social gathering. Many people claim that its main role is based on a permanent unbending part of Hindu culture that would not change. This kind of

intuition provides consistency for the organization in our general public of khap panchayats.¹⁰

The protagonists of the khap want a formal ban on marriage to the same gotra

This is primarily due to a false fear. According to the central commission for women's reports, only 3% of the recorded cases of honor crimes include married couples. There is only one case of the same gotra and same-village marriage in nearly two dozen such cases in Haryana in the recent past. The pair was brutally murdered and the law strictly sentenced the murders. The rest belongs to the marriage between castes or alliances that violates some old tradition. The khap elements brought about a collective hysteria about the issue of tradition.

The truth about Khap

- The Indian legal system by its insusceptibility, to a certain extent, understands the degree and frequencies of the negligence and monstrosities committed by standing courts of the Khap.
- Laxmi Kachhwaha vs. The Rajasthan State and Public Interest litigation suit (PIL) has been reported in the Rajasthan High Court, drawing the court's attention to unconstitutional panchayat status administrations on the weaker section of the general population, especially women.¹¹
- The court observed that these panchayats had no position whatsoever to pass social blacklists, or impose any fine on someone and ignore a person's basic rights.
- In the case of UP vs. Krishna Master, the Supreme Court took a remarkable step by punishing the three people accused of honor killing the six people.
- The bench also found that it would fall into the selves of unusual cases brought by the court to kill the whole family on the weak ground to ignite the dignity of the family. This has been replicated in Bhagwan Das vs. State (Delhi NCT) where the court held that everyone should know that the scaffold was awaiting the production of honorary slaughter. Punjab sentenced five of the seven inmates to life imprisonment in Manoj and Babri Murder.

⁸ Report available on <https://www.thehindu.com/news/national/honor-killing-casteism-not-annihilated-even-after-75-years-of-independence-says-SC/article37736850.ece>

⁹ **KHAP PANCHAYAT:** The Supreme Court of India has declared khap panchayat to be illegal because they often decree or encourage honor killings or other institutionalized atrocities against boys and girls of different castes and religion who wish to get married or have married.

¹⁰ Robbins, Joel (2004). *Becoming Sinners: Christianity and Moral torment in a Papua New Guinea society*, University of California press. pp. 191-192. ISBN 0-520-23800-1.

¹¹ Full case available at <https://indiankanoon.org/Smt.Laxmi Kachhawaha vs The State and Ors.on 15 March, 1999>.

Role of provision in Indian Law

Fundamental and Constitutional rights

- Violation of constitutional rights under Article 14 of the Constitution of India (equality before law) and Article 19 of the Constitution of India.
- The barbaric murders kept under the shield to save the family's reputation are against the constitutional provision of Article 21 (Protection of life and personal liberty), the petition said.
- The honor killing violates Article 14 (Equality before law), Article 15(1) (Restriction of discrimination on grounds of religion, race, caste, sex, or place of birth) & Article 15(3) (creating special provision for children and women), Article 19 (Protection of freedom of Speech), Article 21 (protection of life and personal liberty) and Article 39(f) of the Indian Constitution states that giving children opportunities and facilities to grow in a safe manner and conditions of equality and dignity, and protecting children and young people from abuse and moral and material abandonment.
- The Indian legislation seems to have finally awoken to this problem after it has come into the limelight and people are speaking up against such cruelty.
- Finally, after the killings, according to the home minister P Chidambaram, the UPA led central government proposed to amend the Indian Penal Code and make Honor Killing a 'distinct offence' although how that will make any difference to the present condition still needs to be scrutinized as honor killing amounts to murder which is punishable under law.

The Indian Majority Act, 1875¹²

- Under section 3 of the Indian Majority Act, 1875, every person residing in India shall, upon completion of 18 years, attain the age of majority, unless otherwise stated in his or her rule.
- In the case of a guardian assigned to such a minor, however, the age of majority would be 21 and not 18.
- The Act becomes applicable in cases where the khap panchayats have forcefully split married couples, otherwise eligible for such marriage because of age, etc. This is an apparent case of breach of the provisions of this Act.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989¹³

To avoid cases of violence against Scheduled Castes and Scheduled Tribes, this Act was passed by the Parliament of India.¹⁴

- The goal was to promote Dalit social integration into Indian society's mainstream.
- Offences under this Act-
 1. Involve various actions such as forcing an SC / ST to eat or drink some uneatable or undesirable material.
 2. Removing clothing, show off naked or with a painted face or body.
 3. Attacking, dishonoring and offending an SC / ST woman's modesty.
 4. Sexual harassment of an SC / ST woman.
 5. Forcing an SC / ST to leave his or her house or village as punishable.¹⁵

The Act is synonymous with honor killings because of multiple honor killing cases.

The Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005 provides for more comprehensive enforcement of the rights of women guaranteed under the Constitution who are victims of abuse of any kind that exists within the family, and of matters connected with it or incidental to it.

Indian Evidence Act, 1872

The Indian Evidence Act, 1872, also provides penalties for those involved in the concealment of evidence, either before or at the time of the suspected crime, or after it.

Article 13 of the Act described the facts relevant where right or custom is at issue.

Where the question relates to the nature of any right or custom, the following facts are important:

¹³ "Archived copy" Archived from the original on 19 September 2018. Retrieved 21 April 2019.

¹⁴ Parliamentary Committee on the Welfare of SCs and STs, 4th Report 2004-05, New Dehli, 2005, para 1.2

¹⁵ 7(1) – An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of police. The investigating officer shall be appointed by the state Government/Director Genral of police/ Suprintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time. *Socialjustice.nic.in*

¹² "Section 3-Indian Majority (Amendment) Act, 1999"

Any transaction by which the right or custom in question was created, changed, accepted, asserted or rejected, or which was inconsistent with its nature; Particular instances in which the right or custom in question was established; The Act is important for getting those who are victims to justice because of the verdicts given by the khap panchayats.

The Special Marriage Act of 1954¹⁶¹⁷

The key reason for the enactment of the Special Marriage Act, 1954, was to provide a special form of marriage for the Indian people and all Indians residing in foreign countries, irrespective of the religion or faith practiced by either group, to carry out the marriage intended.

Banned marriages:

- Between sapindas-people in the line of ascendancy through mother within the third generation and fifth-generation in line of ascension through father.
- It also forbids marriage between certain ‘degrees of forbidden relationships,’ like those between sisters and brothers.
- Consequently, the law specifies the conditions for a legitimate marriage and forbids marriage between close relatives.
- The essence of crime:
- The essence of the crime makes identifying the suspect nearly impossible because a large crowd is usually sent off to be pelted by stones until the couple is killed. Hence no definite accused can be found.
- The supremacy enjoyed by the village’s khap panchayat and its pressure on the police prevents them from working properly and from carrying on the investigation.
- Most cases aren’t even filed with the police, and the family and the panchayat keep quiet.

Thirty-day Notice Period:

- The government also proposed that the 30-day notice period currently provided under the Special Marriage Act for inter-community marriages be revoked, since that time is misused by families to track, destroy, and forcibly separate.
- Unless people at the grass-root level are motivated to hate these killings and murders and see it as an egregious crime, no law can help

change things. If water does not have a direction to travel, it can travel through the cracks.

- This also applies to humans. We will consider lacunas in the statute, and a way around it, until the time we don’t believe in the matter from the heart of ourselves.

Gotra:

- Citizens need to be informed about the theoretical rationale behind the ‘gotra’ idea and its irrelevance to 21st-century marriage.
- The gotra scheme may be considered significant in the early years, as it was intended to prevent marriage between people with the same lineage.
- But in the current situation, the gotra system is highly pointless to be considered even at the time of the marriage when the lineages have diversified.

Just a simple threat against the marriage by a family member to the couple should be considered a possible danger to their lives and police security should be provided to the couple. The penalty for such heinous crimes will be a stop to committing such ‘manly’ crimes on citizens. We don’t live in the middle Ages, so suggesting a gradual bodily punishment will only lift the eyebrows of the activists of human rights. But what can be rewarded for such a cruel act is life imprisonment.

New laws

Amending existing laws to ensure stringent action against those involved in honor crimes. The Haryana government changed its mind on honor laws on crime. In the first affidavit, the State fully agreed with the Center to amend the Indian Evidence Act, the IPC, etc. for serious action against the accused then filed a counter-affidavit to erase the reference to its earlier pro-center stance.

The Tribune has in its own right. The Tribune has two sets of affidavits submitted by Haryana to the Supreme Court in connection with the pending writ petition on honor killings filed by community-based organization Shakti Vahini in June 2010.

BS Sandhu, Additional Director General for Police, Law, and Order, Haryana, filed the first affidavit (dated November 30th, 2010). It listed steps the state took to protect runaway pairs. In the end, the affidavit specifically states, “In addition to these measures, the state government fully agrees with the central government to amend the Indian Evidence Act, the IPC, the CrPC and the Special Marriage Act to take strict legal action against the accused involved in cases involving the killing of runaway couples and preventing couple harassment.”

¹⁶ <https://indiankanoon.org/doc/4234/>

¹⁷ Marriages under Special Marriage Act not governed by personal laws

The Center, which had established a coalition of Honor Killing, ministers had previously suggested making honor killings a separate offence under the IPC to make law enforcement agencies aware. Another idea was to amend the Indian Evidence Act to put the burden of proof on the accused, ensuring that khap panchayats and members of the family who committed killings would have to prove innocence. A provision was also devised for the murderer and perpetrator's shared responsibility. Another amendment to the Special Marriages Act was introduced to shorten the time of cooling off before marriage is licensed. The current period is one month.

Arguments Favoring New Law

- Having honor killing a distinct offense will help make law enforcement authorities more transparent.
- One proposal is to amend the Indian Evidence Act to place the burden of proof on the accused. Thus it will be the duty of the khap panchayat or the family members to prove their innocence.
- Under the current laws, there will be mutual responsibility. It would be jointly liable for retribution for the khap panchayat (or any party ordering honor killings) and the individual carrying out the killing.

Altercation against New Law

- The statutory punishment for murder offence is appropriate if it is strictly and efficiently enforced.
- A new set of laws will not prevent killings of honor because the fundamental problem is social legitimacy for actions committed to curtailing the same gotra marriage, inter-caste marriage, inter-religious marriage.
- We need to build knowledge through education among the traditional communities. The collective keeping of khap panchayats may be harmful to members who do not accept these killings. This may even be used abusively for malicious agendas.

Landmark cases and Judgment

Shakti Vahini v. Union of India, 2018¹⁸

Dipak Misra, CJI stated the declaration of preference is a facet of liberty and dignity inseparable.

Verdicts: By Article 32¹⁹ of the Constitution of India, the instant Writ Petition was preferred to seek directions from the respondents, the State Governments and the Central Government to take

¹⁸ full case available at indiankanoon.org/doc/92846055/

¹⁹Article 32 deal with remedies for enforcement of rights

preventive steps to tackle honor crimes, to send a National Action Plan and State Action Plan to curb crimes of this nature and to guide the State Governments to form special cells in each case. The issuance of a mandamus letter to the governments of the state to launch proceedings in each case of honor killing and to take effective steps to ensure that no honor killing prevails. He claimed that Section 5 of the Hindu Marriage Act of 1955²⁰ upheld the opposition of chaps to marriages between persons of the same gotra. The section said "Sapinda should be separated from the side of the father by five degrees and from the side of the mother by three degrees.

Petition Stated: Petition that the actions which are found to be linked with honor killing are-

1. Loss of virginity outside marriage;
2. Premarital pregnancy;
3. Infidelity;
4. Unapproved relationships;
5. Refusing an arranged marriage;
6. Asking for divorce;
7. Demanding custody of children after divorce;
8. Leaving the family or marital home without permission;
9. Causing scandal or gossip in the community;
10. Falling victim to rape.

Judgment

Article 21 the security of life and freedom and the safeguarding of basic human rights and equality of status have been shown abruptly by the acts of these Panchayats or groups which, without the slightest pain of conscience, subscribe to the honor killing.

Affidavit Filed

A counter-affidavit was filed on behalf of the Union of India, the Ministry of Home Affairs and the Ministry of Women and Child Development, honor killings are considered as murder as specified in Section 300^{21,22} of the IPC and punishable under Section 302²³ of the IPC.

Notwithstanding the preventive steps taken by the State Police, if it comes to the notification by the local police that the Khap Panchayat has taken place and has passed some diktat to take action against a couple/family of an inter-caste or inter-religious marriage (or any other marriage that does not comply with their acceptance), the judicial police officer shall

²⁰ indiankanoon.org/doc/635068/

²¹ Section 300 in the Indian Penal Code – murder

²² indiankanoon.org/doc/626019/

²³ Section 302 in the Indian Penal Code – punishment for murder.- Whoever commits murder shall be punished with death, or1 (imprisonment for life), and shall also be liable to fine.

cause the F.I.R. to be registered immediately under the appropriate provisions of the Indian Penal Code²⁴ including Sections 141, 143, 503 read with 506 of IPC.²⁵

Measures were taken

- Criminal cases related to honor Killing with murder or abuse shall be tried before the Court / fast track court-appointed for that reason.
- The court will continue on a day-to-day basis to be preferably completed within six months of the date on which the crime is cognized.
- Same to the pending cases.
- The District Judge concerned shall delegate these cases to one jurisdictional court as far as possible to ensure that they are disposed of speedily.
- Another case where the action was taken against the Khap Panchayat by Court and the death penalty to the person involved in an honor killing.
- For the first time, a recent judgment by a Karnal sessions court granted the death penalty to five people for murdering a young couple who had married a khap panchayat's dictates.
- This sentenced a khap panchayat member to life, who ruled the marriage invalid and was present when the killing took place.
- The Supreme Court released a notice on June 22 to the centre and eight states outlining the measures taken to avoid the honor killing.

Reforms suggested

- Prevention of Crimes in the Name of 'Honor' and Tradition Bill, 2010²⁶ – In a recent judgment, Supreme Court ruled that interference in an adult couple's marriage decision is unconstitutional for parents or Khap Panchayats. The latest judgment resounds the Supreme Court's 2010 order to take action against honor killing by the central government. Crime reduction in the name of the 'Honor' and Tradition Act, 2010 was the Government's response.
- Enactment of a comprehensive, standalone law²⁷ – Equal punishments to criminals, plotters, and instigators. The existing provisions in the IPC are insufficient in dealing with honor killing stated by the planning commission of women and child's

rights in the 12th five-year plan. The committee has recommended any public praise or idolizes any harassment and killing in the name of honor will be punished. Demand for standalone law to act against such atrocity of crime.

- Proposal to amend the Indian Penal Code and rein in the khap panchayats (caste-based extra-constitutional bodies).
- An amendment to the Hindu Marriage Act, 1955 disallowing same gotra marriage.²⁸
- The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honor and Tradition Bill, 2019²⁹ was passed by a voice vote. Parliamentary affairs minister Shanti Dhariwal introduced the bill in the House last week. Reacting to the bill debate, Dhariwal said IPC and CrPc parts were not sufficient to deal with these situations, so the bill was transferred."It has been implemented so that people overcome the narrow mindset."He said that 71 cases of illegal diktat granted by 'Khap Panchayats' (caste councils acting as kangaroo courts) have been registered in the state over the last five years and 10 cases of honor killing have taken place in which four men and eight women have been killed.

Penalty and punishment

Death Sentenced or imprisonment of life to accused convicted of honor killing and penalty extend to Rs 5 lakh. In case of grievous hurt punishment will be from 10 years imprisonment for life with a fine of Rs 3lakh and in some cases 3-5 years jailed with fine up to 2 lakhs in hurt or injuries.

Penalties under IPC (Indian Penal Code)

Actual Penalties under Indian Penal Code:

- Sections 299–304: Penalises any person guilty of murder and culpable homicide not amounting to murder. Murder penalty is life imprisonment or death, and fine. The penalty for non-murder culpable homicide is life imprisonment or imprisonment for up to 10 years, and fine.
- Section 307: Penalises threaten to kill for up to 10 years of imprisonment, and a fine. If a person gets injured, the punishment can extend to life in prison.

²⁴ indiankanoon.org/doc/1569253/

²⁵ The Hindu Marriage Act, 1955

²⁶ <https://www.gktoday.in/topic/honour-killings-and-prevention-of-crimes-in-the-name-of-honour-and-tradition-bill-2010/>

²⁷ <https://www.telegraphindia.com/india/call-for-law-against-honour-killings/cid/419943>

²⁸ https://www.medindia.net/indian_health_act/marriage-laws-amendment-hindu-marriage-act-1955.htm

²⁹ <https://www.indiatoday.in/india/story/bills-against-honour-killing-and-mob-lunching-introduced-in-rajasthan-assembly-1575257-2019-07-30>

- Section 308: Penalises attempt to commit culpable homicide by imprisonment for up to 3 years or with fine or with both. If it causes injury, the person shall be imprisoned or fined for up to 7 years, or both.
- Section 120A and 120B: Penalize whoever is a participant to a criminal conspiracy.
- Sections 107–116: Penalizes people for abetting murders, including murder and culpable homicide.
- Section 34 and 35: Penalizes several-person criminal acts in support of common intention.

Comparison to other countries

As of 2022, most countries with complete or partial defenses for killing due to sexual behaviors or parental disobedience are MENA COUNTRIES, but there are some notable exceptions, namely Philippine. The legal aspects of honor killings in different countries are discussed below:

- **Yemen:** law effectively exonerate fathers who kill their children; also the bloody money paid for females that are killed is less than that for males that are killed.
- **Iran:** Article 630 exempts a husband from punishment if he kills his wife or her lover upon discovering them in the act of adultery; article 201 stipulates that a father and paternal grandfather are not be retaliated against for killing their child/grandchild.
- **Pakistan:** honor killing are known as karo kari. The practice is supposed to be prosecuted under the ordinary killing, but in practice police and prosecutors ignore it. often a man must simply claim the killing was for his honor and he will go free. Nilofar Bakhtiar, advisor to Prime Minister Shaukat Aziz, stated that in 2003, as many as 1,261 women were killed in honor killings. The Hudood Ordinances of Pakistan, enacted in 1979 by the ruler Genral Zia-ul-Haq. The law had the effect of reducing the legal protections for women, especially regarding sex outside of the marriage. This law made it that much riskier for women to come forward with accusation of rape. In 2006, the women's protection Bill amended these Hudood Ordinances. On 8 December 2004, under international and domestic pressure, Pakistan enacted a new law that made honor killings punishable by a prison term of seven years, or by the death penalty in the most extreme

cases. In 2016, Pakistan repealed the loopholes which allowed the perpetrators of honor killing to avoid punishment by seeking for givness for the crime from another family member, and thus be legally pardoned.

- **Philippine:** killing one's spouse upon being caught in the act of adultery or one's daughter in the act of adultery or of permarital sex is punished by destierro (article 247). Philippine maintains several other traditionalist law: it is the only country in the world (except Vatican city) that bans divorce; it is one of 20 countries that still has a marry-your-rapist law (that is, a law that exonerates a rapist from punishment if he marries the victim after the attack); and Philippine is also one of the few non-muslim majority countries to have criminal law against adultery (Philippine's adultery law also differntiates by gender defining and punishing adultery more severely if committed by women see article 333 and 334).

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