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## **Persistence of Honor Killings: A Serious Problem in Indian Society**

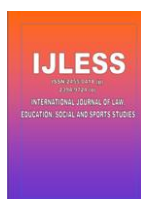
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### **ABSTRACT**

In spite of its long history of democracy and secularism, India continues to be proud of its independence. The essence of marriage hasn't changed, though. Families frequently conduct wedding rituals in the same way they would a religious rite. Young, innocent women are occasionally singled out for mass murder simply because they have the choice to choose their life partner. Furthermore, as a result of this decision, women are left defenceless against the supposedly superior caste, religious sect, and old guards of society. Killing for honour teaches torture and rejects egalitarianism, two tenets of India's founding constitution. It also demonstrates the continued relevance of patriarchy and feudalism in our culture. The comparative qualitative and quantitative analyses of the study will demonstrate how various Indians view violence and the dangers they face. Given this situation, it is difficult to determine the actual frequency of honour killings because so many crimes go unreported. Societies frequently start to accept honour killing as acceptable when the perpetrators are not held accountable. This research paper explores the phenomenon of 'honour killings' in India. As a component of the qualitative research strategy, the historical approach was used in this investigation. The data comes from authoritative resources like published works and previous research. The vulnerability of women to violence is not unique to India; it exists everywhere because of ineffective leadership, inadequate law enforcement, and insurmountable social and cultural barriers. More and more incidents of violence against women can be attributed to people's steadfast adherence to established cultural and religious norms. It is widely believed that a rise in honour killings can be attributed to a general increase in levels of education. Despite women's progress in India, their social standing is still not entirely functioning. Results highlight the necessity for strict regulation to curb honour killings. Raising public consciousness is essential in the fight against ignorance. The resources women need to take these issues seriously and advocate for their rights should be made available to them.

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Honor, it has been kept in the category of crime in India. Under this, when a member of a family is murdered by someone from his family or society for the crime of destroying honor or breaking tradition, it is called honor killing. Honor killings promote a perverted social mindset which is against social justice.

Even though technology is constantly developing, we are still caught in a cycle of social problems. In actuality, compared to the previous 30 years, the caste system is becoming more entrenched. This system is not at all weakened. For adolescent boys and girls in the school and junior college systems, we do not have a counselling system. Is it acceptable for young people to become

intimate before they are legally able to get married in the name of love? Is it necessary for a young man to get married even if he has a good education, is unable to find employment through self-employment, and does not have the resources to support his family financially? There is no solution to these queries. These are important considerations, and one must make decisions based on their unique situation. Governments are putting into place welfare programmes by spending a lot of money on the welfare of all groups. But in order to eradicate social ills, dispel superstitious fear, and foster the idea that everyone in society is equal, a proper counselling system must be established. Due to issues like marrying against their elders when still in school, dissolving relationships due to financial difficulties, or not being accepted by society, young women and girls are sacrificing their lives. As Baba Saheb Ambedkar and Mahatma Gandhi both remarked, we must establish a system that guides young people toward achieving lofty objectives like "reading and fighting."

### **Background**

Honor killings and other similar crimes were practised in both ancient and modern societies. In fact, it dates back to the Roman Empire, when a woman in the "Peter family" was permitted to be executed for the crime of being discovered to be engaged in sexual activity. During the Middle Ages, patriarchal societies predominated almost everywhere in the world, with men's mentalities dominating society. Women were generally considered to boost men's self-esteem. There are numerous instances of this, such as when Henry-Tapp killed his wife in Britain after accusing her of adultery.

A small change was noted in the current perspective in the form of "honour killing." These days, men as well as women are victims of these heinous crimes. India frequently experiences this kind of homicide, particularly in the states of Rajasthan, Uttar Pradesh, Punjab, and Haryana. India is therefore a multi-cultural nation where people of various castes, religions, communities, and traditions reside. Indian culture is also regarded as the model culture in the entire world. In addition to this, women are revered in Indian culture as goddesses, but there are also instances of "honour killing" in this tradition.

According to Indian culture, women held a very important position during the Vedic era. They were politically engaged and full members of society, but in later societies, as a result of policies like those Manu suggested for women, their status declined. Manu also gave many instructions on how to handle and act around women. Due to the increasing tyranny of foreign invaders, people used to murder the women in their homes during the mediaeval era. These killings are being encouraged by decisions made by the Khap Panchayat in contemporary times.

### **Reasons for honor killing in India**

The thinking and outlook of the patriarchal society is the cause of honour killing. As a result of not being given the freedom to discuss her father or other family members, it is common to see that when a woman rejects marriage, she becomes a matter of family honour.

Women have historically been given less status than men in societies that have historically been dominated by men. Due to gender-based discrimination, crimes like feticide are on the rise in this situation. A girl child being born to a woman is viewed as a bad omen. The woman is despised as a result, which is what leads to the crime, because the girl does not represent the family, which does not increase the respect of that family.

The lack of education, which leads to numerous practical issues, is another factor in this type of crime. Adequate understanding does not grow within the family in the absence of education. The family may occasionally suspect women as a result of unfounded rumours. They frequently see the prevailing traditions as affecting the reputation of their family.

Women who commit adultery face social stigma and inferiority complex. Adultery is the voluntary pursuit of a relationship with a woman outside of marriage. Women are under the control of

men after marriage. In this case, if women are found to have this kind of fault, they are killed because society views this as a blow to their reputation.

The caste system has long been a fundamental aspect of Indian society. In Hindu society, there are numerous different castes and subcastes. Caste restrictions have been applied to the society in this way, and very strictly. It is common to see people marrying within their caste or showing respect for various castes during cultural celebrations according to their respective categories. When a person falls in love or marries someone outside of his caste or religion, he is deemed guilty, and crimes like honour killings occur.

Marriages within a caste are unavoidable as long as Scheduled Castes, Scheduled Tribes, or other backward classes exist in our society, as is evident from the fact. The caste census will promote inter-caste unions as well. The investigation makes it abundantly clear that the goal of a caste census is to count the actual number of castes. Caste census is the only way to determine which castes should receive what percentage of reservation. When viewed in this light, both tenets are opposed to the idea of picking one's life partner based solely on personal preference.

This issue is also thought to be caused by intra-gotra marriage. According to Hindu marriage law, it is required to dissolve any brother-sister relationships before a person can wed in their gotra or sapinda because doing so would be considered a loss of prestige.

A woman who has been forcibly raped will have a lot of difficulties getting married and leading a respectable life if she is a target of social stigma. The family members only blame that woman in such a case. Many times in these circumstances, a woman is killed to preserve her honour or she kills herself.

Getting a woman pregnant prior to marriage is regarded as immoral. It is viewed as an abominable act and is also seen in relation to the family's honour.

Restrictions are put in place for any wife in the family who is unhappy in her marriage and wants to end it. In general, it has been observed that a woman should be loyal to her life partner until the end of her days. It is regarded as his duty in numerous communities. Socially, these events also lower men's self-esteem. This is one of the primary causes of honour killings as well.

Numerous nations around the world do not approve of homosexual relationships. Although it has legal acceptance in India, it does not have practical acceptance. Numerous societal groups view homosexual relationships as socially stigmatised and unnatural. In cases like this, the victim is killed by their own family or close friends.

The psychological effects that honour killing has on society are one of its causes. If there is family strife or if one family member defies social expectations, other family members may commit such crimes to protect their reputation.

### **Increasing honor killings in India**

Honor killing, also known as honor killing. It has been kept in the category of crime in India. Under this, when a member of a family is murdered by someone from his family or society for the crime of destroying honor or breaking tradition, it is called honor killing. In the present perspective, a slight change was seen in the form of 'honour killing'. Now not only women but men are also becoming victims of this type of heinous crime. This type of murder is seen in India especially in the regions of Haryana, Punjab, Uttar Pradesh and Rajasthan. Honor killings have been going on in our country for a long time. Recently, a 17-year-old boy killed his pregnant sister in Aurangabad's rural area in this connection. His mother also supported him in this. The problem is also that in these cases the perpetrator does not consider himself to be a common murderer. He considers it a matter of pride towards maintaining the honor of his lineage.

When the High Court or Supreme Court requests information from the government regarding the precise number of Scheduled Castes, Scheduled Tribes, or Other Backward Classes in relation to any matter, the judicial concept of these classes as an endogamous unit is always in the background. The state of affairs in our society is obvious and readily calculable. On the one hand, the country's politicians, sociologists, and so-called intellectual class talk about individual freedom ; on the other hand, they also discuss caste- and tribe-based reservations. This is the inconsistency in our nation's system. Both circumstances will restrict the freedom to marry. This furthers casteism. Additionally, this contributes to the flourishing of numerous social evils. The nation's politicians, sociologists, and so-called intellectuals frequently claim that caste is nothing but politics. There is therefore no harm, but a common man is denied many constitutional rights as a result of their beliefs, behaviours, and opportunistic mindset. Taking these factors into account, it is necessary to start acting positively as soon as possible.

What kind of concept of honor is this after all? The traditional view is that women are the repository of honor, and men are its regulators. Be it the conflict of the Middle Ages or the violence of Partition, respect has always been attached to the body of a woman. This is the reason why her behaviour, clothes, posture and sex-related choices become a cause of concern for all men.

In almost all forms of sexual violence, the perpetrator is given the opportunity to play the role of the 'victim', as the woman needed to be tortured in order to find her place in the world and to restore the status quo. A research conducted in Haryana shows that families, communities and villages claim heroism for men who kill women for the sake of honour. In 1994, when the killers of Asha and Manoj were granted bail in Nayangaon, Haryana, they were treated with respect by the villagers. The anger was about why he was punished by the law at all.

Between 2014 and 2016, 288 such cases were registered. Such cases have come in 2020 as well. In view of all this, the Supreme Court declared that the act of "honour killing" puts the rule of law in grave peril. Also asked to take steps to protect the rights of an adult to liberty. To deal with this crime, there is a Freedom of Matrimonial Alliance law in the name of Honor and Tradition Bill, 2019 in Rajasthan.

Crimes committed in the name of honour, custom and tradition sit on a high place. As women press for their independence, so does the burden of this tradition. Earlier the news of this type of crime used to come only from North India. But now this practice has started in South India also.

The facts can be called disappointing. More than 38% of murders of women are committed by their partners. Even after 40 years of the anti-dowry law, 6,966 cases were registered under it last year. This is an indication of how deep are the roots of misogyny in the society. Why are all the laws on gender equality, education, jobs and better health not able to end this evil?

### **Challenges in Preventing Honor Killing**

- Such crimes are usually done secretly. Therefore, there is a substantial lack of data regarding this.
- Problems arise with the local police in classifying such crimes. On a collective basis, such crimes are classified as domestic violence.
- Due to lack of credibility on the local administration, the woman is not able to report the crime committed against her.
- In order to prevent 'honour killing', lack of education is often seen in people, as well as people are stuck in stereotypes and social bonds.
- Gender inequality gives rise to radical ideology at the practical level in the society. As a result of this, such incidents come to light.

### **Legal Provisions in India**

- In the Indian Constitution, any person has been given equality and equal protection before the law under Article 14.
- Under Article 15 of the Indian Constitution, the state shall not discriminate on grounds only of religion, caste, sex or place of birth.
- Under Article 21, no person shall be deprived of the liberty of life or personal liberty.
- Untouchability was abolished under Article 17 of the Indian Constitution, so that every person has the right to live a respectable life in the society. He can be given protection from crime due to social prestige or backwardness or any other reason.
- Under Article 19 of the Constitution, the citizens of India have been given the right to freedom, under which they can live their life freely, under which no one can be obstructed on the basis of tradition, law or any other unreasonable ground.
- Harming the dignity of a human being also comes under the category of crime under the "Human Rights Act 2006".
- Under the "Domestic Violence Act 2005", if a woman is abused mentally or physically, then the woman is protected under this act.

### **International laws that are valid in India**

India gives recognition to some international law not only for its citizens but also for any person to get justice for the crime like honor killing. India implements the 'Universal Declaration of Human Rights 1948'.

Universal Declaration of Human Rights 1948: Articles 1 and 2 – All human beings are born free and have the right to equal dignity. Article 3- Every human being has the right to liberty and security in his life. Article 5- All human beings have the right to be free from cruel or degrading treatment.

### **Supreme Court's Approach**

In the *Shaktivahini v. Union of India* case, the Supreme Court of India issued a significant ruling on March 28, 2018, criminalising honor-based violence. Khap Panchayat was deemed illegal in this ruling. Additionally, the Supreme Court affirmed that no third party may interfere with a marriage between two adults. In addition to this, the Hindu Marriage Act of 1955's section 5 provides legal justification for not marrying within the same gotra.

The convict was given a life sentence for an honour killing by the Supreme Court in another case, *Krishna Master and others vs. State of Uttar Pradesh*.

In another case, *Lata Singh v. Uttar Pradesh*, and in a different case, Justice Ashok Bramhanand Markandeya Katju of the Supreme Court stated that "If a man or a woman marries outside his caste," he or she risks being subjected to honour killing. It will be deemed "illegal" if any form of violence or forcible injury is used against him. The court further declared that inter-caste unions serve the interests of the country.

In the case of *State of Uttar Pradesh vs. Krishna Master & ors.1*, the Supreme Court sentenced three individuals to life in prison for the honour killing of six family members, but maintained that the defendants should have been put to death. The High Court was criticised by the Supreme Court for acquitting Master Krishna, Ram Sewak, and Kishori by ignoring the testimony of a child and other witnesses. The Supreme Court declined to execute Master Krishna, Ram Sewak, and Kishori. In the following case in the series, *Lata Singh v. State of Uttar Pradesh and Others2*, a two-judge bench expressed its outrage over numerous incidents of abuse, intimidation, and aggression directed at young people who marry outside of their caste, concluding that "Such acts, threats, or harassment are completely unconstitutional, and those who commit them must be punished in a variety of ways." Since

they will lead to the abolition of the caste system, inter-caste marriages are actually in the interest of the country, the Bench declared. "When one reaches the rank of major, they are permitted to wed whomever they choose. The most that the boy's or girl's parents can do if they disagree with an inter-caste or inter-religious marriage is to cut off social ties with their child; however, they are not allowed to threaten, carry out, or encourage abuse or harass the person who is engaged in such a marriage. The Bench ruled as a result that "whether any boy or girl who is a majors marris a woman or man who is a major, the couple is not harassed by anybody, exposed to threats or acts of violence, and anyone who gives such threats, harasses, or performs acts of violence is either damaged or murdered." In spite of numerous accounts of couples being killed for bringing "dishonour" to the family name, none of these incidents are ever reported in the United States, which is a problem with honour killings. The few that have been documented are buried under a pile of court cases that are still pending. The High Court is overrun with petitions where justices of this Court have to answer for the rigours of this Court, Punjab and Haryana High Court Justice K.S. Ahluwalia said when hearing ten cases involving young couples ages 18 to 21 at once.

The silence of the government is deafening. Where can the state wake up, and how long can the courts be comforted and healed by the resolution of such cases?" Ironically, the state system is unusually resistant to change when honour killings occur. The military, which is part of the governmental apparatus, must be more pragmatist than reactionary in the face of the atrocity of honour killings. Because the incidents are frequently categorised as suicides, not much is done to ensure that the case is heard in court. Police officers are perceived as being intimidated, and they frequently work with the most powerful families in the area to prevent victims from receiving justice.

### **Effect of honor killing**

Crime is encouraged in society when family members or other members of society kill for honour. The influence of social conservatism grows as a result of decisions made by Khap Panchayats that sanction atrocities under the pretext of "honour killing." The cases of "honour killing" have an impact on women's autonomy, which leads to a variety of issues like rape and domestic violence. An event like an honour killing serves to highlight the absence of love, compassion, and tolerance. Honor killings will cause caste bigotry, which will lead to the dominance of one segment of society and the exploitation of others, which will also cause unrest and discontent among the populace. As a result of ending the feeling of respecting one another's cultures, such crimes encourage social anarchy in the nation. Discrimination based on race and colour may be encouraged in society. Promoting the idea of national integration and cross-border cooperation is hampered by honour killing. Honor killings and other similar crimes should be considered barbaric crimes because they are an insult to a person's dignity. To stop such crimes, concerted efforts must be made. It is important to raise public awareness of crimes committed for historical reasons in the modern world of the twenty-first century.

Governments should strictly abide by the laws created for this type of crime at the national and international levels. Due to their absence, which encourages crime, such laws must be reviewed and new ones created. Criminals who commit these acts are legally excused. Such people should be subject to the proper punishment. In addition, the media will have a crucial part to play in educating the public.

### **Conlcusion**

The most a family member can do if they are unhappy with the young people's or women's marriage is cut off their social ties with them ; honour killing does not elevate the family's honour. The family members are ignorant of this fact, though. God should have the final say in who lives and who dies because God created life. A deity has the power to expel a person from the earth if he brought them there. Family is important, but murdering a family member is not. Since the couple is making the decision about their own lives and has the choice to remain together or separate, it is quite safe to prevent honour killings. Nobody has the right to take another person's life or freedom. It is always best

to live life to the fullest with joy and happiness because you never know what will happen in the next moment. It is therefore preferable to adhere to the Live and Let Live principle.

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