



THE TALE OF 'FORBIDDEN' LOVE: 'HONOUR' KILLINGS IN INDIA

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ABSTRACT:

In India, right to marry according to one's choice is inherent in the article 21 of the Indian Constitution itself, but seems like the society is still stuck to the primordial notions of caste and religion in case of matrimonial alliances. The recent upsurge in the number of honour killings indicate that still we are far away from realising the dream of ensuring dignity of an individual by providing an enabling environment to exercise their right of choice in matters as intimate as choice of life-partner. 'Honour' as an ideology is at the core of these crimes and it attaches the 'honour' of a family, caste and community to the so called inappropriate behavior of the women of the family. Any act which is perceived to harm the 'honour' might lead to killing of both the spouses or any one of them. It is basically a denial of any agency to women to make choices about their sexuality.

KEYWORDS – 'honour' killing, control of sexuality, women's rights, human rights, violence against women.

INTRODUCTION

Peramalla Pranay Kumar, aged 23, was hacked to death on 14 September, 2018 in front of his pregnant wife Amrutha when they were returning from hospital after Amrutha's routine check-up. Pranay who belonged to scheduled caste Married caste Hindu Amrutha on January 30 this year against the wishes of Amrutha's father. She alleged that her father has hatched this conspiracy as he was against her marrying a man from scheduled caste.¹ Their crime? They opted for a self choice marriage using their constitutional right. In a chilling case of honour killing, a 23-year-old woman was allegedly murdered by parents and brother in Barwani district of Madhya Pradesh on Thursday for marrying a man from a different caste. According to the SDOP, the woman Sarla (hailing from Koli scheduled caste) had a love affair with Pankaj (who belonged to the OBC Mali caste), which was not acceptable to her family. Both of them fled from Khetia in May 2017 and married in Pune (Maharashtra).² But it couldn't be happily ever after for them.

These are not just two stray cases of 'honour' killing, in fact, they are just the tip of the iceberg. The 'honour' culture runs much deeper. Recently, many cases have been surfaced where the male family members killed their own kins in the name of 'honour'. It is not to say that 'honour' crimes are a new phenomenon, but these days, thanks to the alertness of the media these cases come to the fore, become a matter in public discourse and thankfully has attracted the attention of a pantheon of researchers, government and courts.



FAMILY, GENDER, AND VIOLENCE

Family is the most important and intimate among all social institutions, especially for women. But it is also a place, where they may suffer a number of tensions, violences and atrocities. At the outset of the feminist movement, liberal feminists did not recognize this kind of violence and subjugation. It was only with the rise of radical feminist

movement that acknowledged the violence perpetrated on women in their own households. At this very time the slogan of 'Personal is Political' became popular and such violence was brought into the purview of political studies. It was acknowledged that the violence against women within families is a manifestation of patriarchal power structure that should be dealt by the state. Here violence is most of times subtle in nature and requires a nuanced understanding of gender roles to identify them. Though in this paper our concern is the manifest form of this violence.

All the major civilizations of the world have been patriarchal in their structure and functioning, of which India is no exception. Except the Vedic Age which as claimed by some historians, was based on somewhat egalitarian values, the history of India has been dominated by men. All the ancient scriptures accord only secondary position to women in all the phases of life. *Manusmriti* clearly professed that in her childhood, she should be under the control of her father, in her adulthood, and she should be under the control of her husband and during her old age she should be under the control of her son, i.e. should never be free.³ The reason for such stringent control could be traced in the pessimistic and suspicious view about character of women. *Mahabharata* mentions woman as a person of unbound lust.⁴ If a woman has remained virtuous, it is simply because she could not get a proper cover place and opportunity.⁵ On account of being such, it was justified to put them under stringent control of their families.

Furthermore, the best innovation of patriarchy has been the process of socialization. Throughout the history, socialisation of members, especially girls leads to women themselves accepting their secondary role in the family. From the very childhood a girl child is asked to be soft, nice, beautiful, meek, submissive and obedient. Whereas a boy is trained to be assertive, strong, aggressive and competitive, girls are made to conform a lot of norms and rules. This in a subtle way reinforces the gender hierarchy and ensures the unstoppable march of the patriarchy. Women themselves conform to these ideals without any question. In case of aberrations, the family and community may respond in a violent manner, such as disowning, ostracism, filing a fake case of rape and abduction against the male partner of the female relative to coerce them to submit and annul their marriage, coercing them to commit suicide or the most brutal punishment- Murder of the woman, sometimes the male partner as well.

GENDER AND CASTE IN INDIA

The family is based on certain ethical principles of obligations, especially to elders and the responsibility of retaining family 'honour'. The 'honour' i.e. '*izzat*' of the family depends on the 'proper' behaviour of women members, especially in matrimonial issues. The problem gets compounded due to the caste system in India. It is a unique, crucial basis of stratification in large part of Indian subcontinent which seeks to establish an elaborate hierarchy of birth-based groups, which is also most of the times, congruent with class. In Ambedkar's words caste is a system of graded inequality in which castes are arranged in an ascending scale of reverence and a descending scale of contempt.⁶ The entire structure of caste and its reproduction as a system is contingent upon endogamy, carefully controlled marriages within certain bounded groups. Ambedkar's sharp understanding of caste, stresses the centrality of endogamy in both the making and perpetuation of caste. Like other Brahminical ideals, the idea of endogamy was appropriated by other castes through imitation.⁷ This concept was later termed as 'Sanskritisation'⁸.

CONCEPT OF 'HONOUR' AND HOW IT 'HURTS'

At the outset, it should be acknowledged that the concept of honour is not peculiar to India; it is also popular in Islamic countries and in those western countries in which immigrant population is of Islamic faith. Now, the question may arise, why is it so? What is common in Islamic and Hindu society is that both are based on community and the status of an individual depends on his status in that particular community. In this paper, we shall be focused on Indian scenario only. As mentioned earlier, marriage system in India is based on the codes of endogamy. The violation of this code is regarded as an attack upon *izzat* ('honour'), a wide ranging masculine concept underpinning patriarchal practice in India across all castes.⁹ Women are the repositories of family 'honour' of their own family as daughter and of their husband's family as wife and

mother. The implication for women is that, their 'dishonourable' conduct can irreparably ruin their family, caste and community. She has no sovereign right over her body and sexuality, which is allowed to be expressed only within the norms laid down by the patriarchal cultures and traditions. But when a woman tries to take charge of her sexuality and chooses her partner, particularly when she crosses the caste barriers, in her choice of a man of a different caste, especially a lower-caste man as her partner, the reprisal is swift, cruel and merciless often resulting in murder which is commonly known as 'honour killing'. Because, by giving herself to a lower-caste man, she is supposed to have defiled the entire caste and community and therefore, she has to be punished and he, who dared to touch a woman of twice born has to be punished in such a way that no one shall dare to repeat such a crime.

The examples given at the outset are just a few of the many cases which involve the concept of 'honour' and its perceived violation. The researcher would use the word perceived, because at times even the perception of honour being violated can trigger the attack. In such cases it doesn't even need to be corroborated by an actual act. The killings in the name of 'honour' unearths the hidden rot in our society which still doesn't recognize women as owning her own body or having a rational opinion, even in the case of marital choice which is the most personalized space of a human being and he/she must be immune of any kind of pressure while exercising choice in this matter. Our society is a paradox. Whereas we have a constitution, formal laws and justice delivery system, and they uphold the equality of both the sexes and thereby allow women to freely choose their partner after attaining a certain age. But it seems like family and the society at large, still couldn't accept the equality of women for that matter. Women are still expected not to take a decision on their own, regarding this matter because the marriage is a matter related to family and caste 'honour' and the decisions must be taken by the elders of the family. Any departure from it may lead to harsh punishments.

CONCLUSION

The 'honour' crimes violate Article 14, 15 (1) and (3), 19, 21 and 39 (f) of the Indian Constitution. 'Honour' killing violates the women right to live, right to move freely, right to equality and right to security. It is against various international commitments of India. It is in contravention of the spirit of the UDHR and ICCPR. Shamefully, even today there is no legal definition of 'honour' crimes in India. Strangely, National Crime Records Bureau didn't used to collect separate data on 'honour' killings. It was in 2014 that NCRB recorded murders under the head of 'honour killings'. "Only because of a sustained campaign by women's groups, a separate category was created for compiling cases of 'honour' killing to get a real picture of the heinous crime. But there are still many cases that go unreported," Kirti Singh, a SC lawyer, said.¹⁰ According to the latest NCRB data there were 251 'honour' killings against 28 of the year 2014, thus registering spike of 792%¹¹, hence it needs to be addressed. NCRB created this category recently, thanks to the movements of women's right groups. This data must suffice to highlight the urgent need to recognize 'honour killing' as a distinct crime and to deal with the same. So far, there is no specific law to deal with 'honour' killings. The murders come under the general categories of homicide or manslaughter. Sometimes the 'honour' killings are also done by a mob and so when a mob has carried out such attacks, it becomes difficult to pinpoint a culprit. The collection of evidence becomes tricky and eyewitnesses are never forthcoming.

The proposed law against 'honour' killings- The Prohibition of Interference with Freedom of Matrimonial Alliance Bill, 2011 is still under circulation among the states and looks like they are in no hurry in getting the law enacted anytime soon. The supreme court in a noteworthy judgement delivered on 27 May, 2018 on the petition filed by NGO Shakti Vahini that attack on couples by khap panchayats is illegal and adult couples can enter into the marriage of their choice and no panchayat, khap, individual and society can question them.¹²

In compliance of the recent Supreme Court guidelines and an attempt to fill the gap, the home ministry has written to all the states and Union territories asking them to identify districts and sub-divisions and villages where such cases or khap panchayats meetings have been reported in past five years.¹³ Advisories to the state governments by the centre states that they should take responsibility for the lives of

couples who fear retaliation. The states should identify They should be housed in special protection homes, away from danger. We must understand that key to this violence is the subordinate position of women in all castes and communities. If we wish to eradicate 'honour' crimes we must change our mindsets. Khaps does not operate only in some regions of the country; in fact, it operates in our minds. That is why, we associate the 'deviated' sexual behaviour of a female with 'dishonour' and attach the term 'honour' with these killings to justify it. Unless we eliminate this such notions from our mindsets, it is difficult to check these cases. The Government and state agencies should act as the vanguard of this change and ensure the enactment of law as soon as possible. Moreover, whenever a couple asks for police protection they must be given a serious hearing and the state should ensure their security. On the investigation side, the investigation agencies must investigate the chances of 'honour' killing through abetment of suicide in the case of suicide of a couple which faced resistance from their families at the time of their marriage. It needs a comprehensive multi-pronged strategy to stamp out this curse, which is not only a crime but is utterly inhuman.

¹ 'My father, uncle hatched my husband's murder'. September 15, 2018. Retrieved from URL <https://www.thehindu.com/news/cities/Hyderabad/my-father-uncle-hatched-my-husbands-murder/article24957144.ece> [15-09-2018]

² Honour killing in Madhya Pradesh: Woman murdered in broad daylight by parents, brother for marrying outside caste. The New Indian Express, 5 April 2018. Retrieved from URL <http://www.newindianexpress.com/nation/2018/apr/05/honour-killing-in-madhya-pradesh-woman-murdered-in-broad-daylight-by-parents-brother-for-marrying-1797417.html> [05-05-2018]

³ Buhler, George (translator). The Laws of Manu. Volume 25. Chapter IX, Verse 3. Retrieved from URL <http://www.sacred-texts.com/hin/manu/manu09.htm> [25-08-2018]

⁴ *Mahabharata* V,30,6.

⁵ *Padmapurana, Srishtikhanda*,49,20.

⁶ Ambedkar, B R, *Annihilation of Caste*. In Dr. B R Ambedkar, Writings and Speeches. Vol 1. Page 47. Retrieved from https://www.mea.gov.in/Images/attach/amb/Volume_01.pdf [09-12-2017]

⁷ *The Annihilation of Caste, the Annotated Critical Edition*. New Delhi: Navayana

⁸ Srinivas, M. N. (1995[1966]). *Social Change in Modern India*. New Delhi: Orient Longman

⁹ Chakravarty, Uma.(2005). "From Fathers to Husbands:Of Love, Death and Marriages in North India" in Lynn Welchman and Sara Hossain, 'Honour': Crimes, Paradigms and Violence against Women.

¹⁰ 792% spike in honour killing cases, UP tops the list: Govt in Parliament. Hindustan times. (Dec, 7,2016)

¹¹ 792% spike in Honour Killing Cases, UP tops the List. (2016, December 7). *Hindustan Times*. Retrieved from URL: <http://www.hindustantimes.com/india-news/792-spike-in-honour-killing-cases-up-tops-the-list-govt-in-parliament/story-x0lfcFpfAljYi15yQtPOYP.html> [15-01-2018]

¹² Attack on Couples by Khap Panchayats are illegal: SC. (2018, January 16). *Times of India*. Retrieved from URL:<https://timesofindia.indiatimes.com/india/no-khap-can-stop-adult-couple-from-marrying-sc/articleshow/62519410.cms> [16- 01-2018]

¹³ Identify the places vulnerable to Honour Killing: Centre to States. (2018, June 3). *The Times of India*. Retrieved from URL: <https://timesofindia.indiatimes.com/india/identify-places-vulnerable-to-honour-killings-centre-to-states/articleshow/64433080.cms>



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