



HONOUR KILLING A CRUELTY AGAINST HUMANITY: ITS FACTORS AND LEGI-CONSTITUTIONAL PROVISIONS

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ABSTRACT:

Honour killing is a global phenomenon; it is perhaps the most heinous and wicked crime among all other criminal activities. Most of the cases in patriarchal family; the activities of the female are closely monitored and supervised by the male members. Violence against women is a testimony of historically unequal power relations between male and females and this barbarism carries the name of honour killing. The ideal of muscularity is base notion of honour of an individual or a family and community. Honor killings are connected to religion, caste, and other forms of hierarchical social stratification or sexuality. The sexual purity is the responsibility of male family members like father, brother, and husband etc. In honour killing the victim is the scapegoat of their own family members or group of members. This type of crime is basically linked with surveillance of female behaviour and sexuality.



KEYWORDS: Honor killing concept, Historical background, patriarchy, caste-religion, reasons, and Legi-Constitutional provisions.

INTRODUCTION

All are born free and have equal rights, dignity, and respect. However, women are always the topic of concern everywhere. Over the years India has seen development in terms of economy, technology, and education. But on the other; Indian society is still plagued by various social evils. Among them honour killing is one; it is also known as shame killing. But there is 'No Honour' in honour killings. In this case culprits justify that the victim has brought dishonour upon the family name and prestige. This practice of Honour killings was culturally sanctioned and designed to uphold a specific moral order. It is the outcome of socio-psychic nature of typical societies. This is the purposeful and preplanned murder, generally of a woman by or at the command of members of her family. It is defined as the murder or forced suicide of a person by a family or clan members.

The killers justify their act by claiming that the victim has brought dishonour upon the family name and prestige. This type of crime is a testimony of historically unequal power relations between male and females. In patriarchal society; the activities of the females are closely monitored. Sexual purity is the responsibility of father, brother, husband and thus the victim is the scapegoat of their own family members or group of members. Honor killings are often connected to religion, caste, and other forms of hierarchical social stratification.

In Global level the practice of honour killings is existed since centuries. Historically honour killing has been reported in different parts of the world, nation and in some parts of Karnataka. The incidents of crimes of honour killings are not restricted by gender, sometimes men can also become the victims of honour killing.

OBJECTIVES OF THE PAPER:

- ❖ To Know the concept and history of honour killing
- ❖ To understand the factors of customary killing
- ❖ Constitutional and Legislative safeguards
- ❖ Other remedies to combat honour killings

CONCEPT OF HONOUR KILLINGS:

The term honour killing was first used by Leiden Ane Nauta in 1978. Honor Killing is derived from the Latin word 'honor' which refers to the quality of worthiness, respect and prestige. Honour killing is the murder of family member typically a woman, this act is often rooted in socio-cultural and religious norms, morality, and its social behaviour. It is defined as the murder or forced suicide of a person by a family or clan members or a hired killer. Honour killing is also known as customary killing and is a great social evil and is one of the most barbaric crimes of all and is often tied to issues like marriage, sexuality, and modesty.

The traditional patriarchal society has a deep-rooted belief that; women's honour is a commodity of great value which must be protected by guardian of patriarchy. It is an unlawful killing of a family members by one or more fellow's offender believe that the victim has brought disgrace on the honour and name of the family members, clan, or community. Honour killing as a traditional norm or cultural practice and is sociologically complicated, morally distressing, and legally challenging.

HISTORIC CONTEXT OF HONOUR KILLINGS:

Honour killing is a burning issue across the country and such crimes are widely suspected to be underreported. In South Asian Continent scholars believe that; the practice of honour killing had originated with various Baloch Tribes of Baluchistan and spread over other countries as they migrated to different parts of the nation. Honour killings have been known since ancient Roman times and in Medieval Europe where early Jewish law mandated death by stoning for an adulterous wife and her partner. In the Codes of Hammurabi around 1772 B.C. and Asriyan Law about 1075 B.C.

Honor killing has been reported in different parts of the world, like Afghanistan, Iran, Iraq, Turkey, India, Bangladesh, Palestine, Saudi Arabia, Egypt, Jordan, Bangladesh, Morocco, Somalia, Uganda, Brazil Sweden, Germany, England, Italy, Pakistan, Italy, Somalia, Yemen etc. In India; the practice of honour killings is an olden phenomenon existed since centuries. There are the cases from India reported regions of honour killings frequently are Punjab, Uttar Pradesh, Haryana, Rajasthan, Delhi, Tamil Nadu Western Uttar Pradesh, etc. Honour killing practice is also observed in some parts of Karnataka; including Mandya, Kolar, Tumakuru and some parts of Northern Karnataka.

The United Nations Population Fund estimated that; about 5000 women were victims of honour killings every year in India and more than 20,000 women were killed worldwide each year. The data related to honour killing of the most of the states and countries is not collected systematically and many cases registered and reported as cases of accident and suicides.

These types of crimes are not only restricted to specific religion, caste faith and region but also gender. Sometimes men can also become the victims of honour killings. Generally, the people involved in such cases are mother, father, brother, relatives, and friends. This evil is dominating over the Middle East countries like; Iran, Iraq, Israel, Kuwait, Jordan, Yemen, Syria, Lebanon, Oman etc. This act of killing is illegal and unconstitutional and is an offence. These are occurred in various parts of Middle East and Southern Asia and about half of all honour killings are occurring in India and Pakistan.

The present study aims at to highlight how inter caste marriage or marriages against the wishes of their parents and other factors results in honour killings. These incidents are happened owing to non-acceptance of the society and no stingiest laws about such kind of crimes. Over the years India has seen growth in terms of economy and educational development, but on the other Indian society is still plagued by various social evils. Among various social evils honour killing is one of them, it is also known as shame killing. It is the murder of an individual by his own family members for protecting their family honour and dignity of the community. The culprits justify that the victim has brought dishonour upon the family name and prestige.

In Patriarchal society, women are considered as bearer of honour of the family. Thus, culture has been one of the causes of honour killing. These murders were culturally sanctioned and designed to uphold a specific moral order but there is 'No Honour' in honour killings. Honour killing is the outcome of socio-psychic nature of typical societies, where certain patterns of human behaviour are considered as dishonour to communities and families.

FACTORS OF HONOUR KILLINGS:

Indian society is multicultural, multi traditional and patriarchal society. In patriarchal societies the activities of girls and women folk are monitored by the males and elderly family members. The main cause for commitment of honour killing is that; any member of a family had brought dishonour to the family which leads for this kind of offence. Women are expected to conduct themselves honourably and the most obvious reason for this practice in India is the caste system. To understand the whole concept the following are the causes identified for honour killings are-

- Caste rigidity and patriarchal system of family structure
- Rumours about girls' and family character
- Inappropriate and unacceptable ways of dressing by the family and community
- The relationship with boys that irritates the aggressiveness of the girl's family members
- Premarital relations and Conceiving before their marriage
- Illiteracy, traditionality and unaware about their rights
- Inadequate and lack of stringent legislations, and constitutional remedies
- Engaging in hetro-sexual and homosexual relations as grounds for honour killing
- Inter caste, inter religious and inter class status results in honour killing
- Women seeking divorce or separation without the consent of husband parents and elders
- Having an extra marital affair or committing adultery by women
- Refusal to get into arranged marriage or desiring to marry by own choice
- Seeking a divorce of women from husband
- Victims of raped are considered to have dishonour or disgrace to their family

LEGI-CONSTITUTIONAL PROVISIONS OF HONOR KILLINGS:

Killing someone under the name of honour is against the law and is violation of the basic human right. Honour killing is brutal abuse and is recognized a form of violence against women. This is also against International Law on Human Rights and against United Nation Agenda. International Convention on Human Rights said honour killing is violation of the most basic human rights. It is against the convention of 1979 on the elimination of all forms of discriminations against women.

The fundamental document for governance is constitution which is guiding light for administration and protecting rights of its citizens. The constitution of India has provisions, which allowed a person to exercise his or her choice of caste, gender, religion, and protection from honour related crimes. Article 14 and 15 of the Indian constitution deals with right to equality and to combat discrimination on the grounds of gender, place of birth, race, caste, and religion etc. Article 19 provided the freedom of speech and expression; Article 21 guarantees the right to life and personal liberty.

Honour killings involve the murder of a particular person especially a women come under the ambit of section 299 and 300 of IPC and against the constitutional provisions enshrined in article 21 of the Indian constitution. Section 34 and 35 penalises criminal acts committed by several persons in furtherance of common intention. Section 107 and 116 provided persons for abetment of offences including murder and culpable homicide. Section 120 a & b penalises any person who is party to a criminal conspiracy. Indian Penal Code Act of 1860 u/s 300 indicates that; honour killing cases are considered as guilty of murder.

Under section 302 of Indian Penal Code, this mode is considered instigating for suicide. Section 299 and 304 penalises any person guilty of murder and culpable homicide amounting to murder. Section 307 penalises attempt to murder with imprisonment for up to 10 years and a fine. Section 308 penalises attempt to commit culpable homicide by imprisonment for up to 3 years or with fine or both. If it causes hurt the person shall be imprisoned for up to 7 years or fine. The Indian evidence act of 1872 deals with; whenever a case is to be proved it must be built on the foundation of the Indian evidence act which punishes individuals who are complicit in the concealing of facts before, during or after the alleged crime.

Under section 304 and 307 attempt to commit murder and whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment for a term which may extend to 2 years or with fine or both. Section 308; penalises attempt to commit culpable homicide by imprisonment up to 3 years or fine with both.

The other provisions are also made available such as protection of Women from Domestic Violence Act 2005, which safeguards women from any kind of violence and atrocious behaviour. The Protection of Human Rights (amendment) Act 2006 which protects the individual human rights. Honour killing violates the rights of an individuals to select his or her life partner irrespective of any of the grounds and prohibits discrimination on several grounds and protects life and liberty.

CONCLUSION:

In 21st century there is increased in national and international awareness of honour killing. However, honour killings based on inter-caste and interreligious and class status marriages continued to take place in every corner of the society and are sometimes largely unreported. Normally, the cases of honour killings were admitted inside the court in India are in the forms of homicide or manslaughter.

Despite major scientific development, technological changes, economic advancements, modernization, and individualistic outlook the practices of honour killings underscore a fundamental societal challenge. The existence of social tragedy which needs to be adequately addressed. Honour killings must be viewed as first degree murder. The offender gets punishment and other will get fear of such acts. In contrast to this conventional practice of honour killing, many married couples and young people are threatened with death and placed in dangerous situations. It is the state's obligation to safeguard such vulnerable individuals and their lives from this type of cruelty.

Honour killing is a sociological problem which is not possible only by enacting the laws rather it requires a deeper understanding of honour in the social context of other factors. It requires a social reform movements and sensitization of the laws and enforcement is need of the hour. Honour killings are a recognized as a form of violence against women; because it violates rights and security of a person.

Honour killing crimes are widely suspected to be underreported. Every citizen has right to life with full dignity and equality. No person shall be deprived of his life or personal liberty except according to procedure established by law. Parents instead of being well-wisher of their children; voluntarily kill their daughter to avoid shame falling on their family.

The stereotyping these crimes to certain ethnic groups or religion or caste seems counterproductive to the goals of prevailing such crimes. Hence, it requires to change the mindset of the people, society should become more tolerant with related to choices made by the present generation.

The freedom of belief does not mean the freedom to kill; no culture has right to kill and harm women based on their perception of morality or honour. A life without honour is not worth living, the corrective and punishable measures are vital for real change and will come from societal transformation and shifting mindset of the people.

Multiple laws are insufficient to eliminate the threat of honour killings. As laws can only assist in the punishment of criminals, the crime itself can only be eradicated if people's mindsets are reformed and changed. Efforts should be made to aware and educate men and women about human and women rights and gender biased laws must be abrogated and cancelled. Awareness campaigns can be taken up through TV shows, street skits, newspapers, and other extension activities. No culture and religion have right to kill and harm women based on their perceptions of morality and honour. The freedom does not mean the freedom to kill. Everyone has the right to life with dignity, liberty, and equality.

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