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Honour Killing: Differences in Legal and Social Aspects of Crime

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Abstract:

Killing in the name of honour has shamed the country many times and the problem is still continuing. Honour killing is not classified crime in India even now. An honour killing is a murder of a victim by, or at the behest of close family members with the aim of undoing the loss, or perceived loss of widens family status, owing to the actions or status of the victim. This study has been carried out to know the ways of killing the victims and the perception of the problem in legal and social ways. Total 63 cases were found in print media during the year 2012-2013. Secondary data was the main source of the study, thus the method of content analysis was used for this research work. Result shows that 79.36% of the cases have been found reported against Hindu victims. Study also indicates that 33.76% of the males were victims of honour killing. 03.17% convicted persons were awarded death penalty. The problem needs separate law to curb honour killing.

Keywords: Honour, victim, killing

1. Introduction

Thousand of woman are murdered every year by lose relatives for allegedly violating an unwritten social code or revealing against the patriarchal order "Honor" killings and other harmful practices such as forced marriage, child marriage, or bride exchange have been recorded for centuries. Under growing pressure from human rights activists, these old traditions have also evolved and adapted to modern circumstances (www.palgraveconnect.com).

Hnour killings are relatively about 5,000 a year worldwide concept (13 women a day). But the crime is one of the most brutal practices in the modern world. It occurs when a family feels its female relative has tarnished its reputation by her "immoral behavior" – which can range from being raped to having an unrecognized phone number on the cellphone – and is often carried out by the woman's brother or father (www.pbs.org).

Honour killing continue to occur with alarming frequency in India, particularly in northern states. One of the primary reasons the failure of state and police agencies to protect the victims or prosecute perpetrators of the crime. Consider the case of 28 year old Abdul Hakim, shot dead near his U.P. village after he married Mehwish, 26, without their parents' consent. Mehwish's family objected to Abdul's lower socio-economic standing. Threats had driven the secretly married couple to elope two years ago, leading Mehwish's family to announce a bounty on their capture. Abdul was gunned down on the first occasion he returned to his village, ironically as he was on his way back from the local police station (The Times of India: 2012, Nov.28).

After the Nirbhayagangrape, a slew of progressive laws were brought in and rape laws were made tougher under the Criminal Law (Amendment) Act 2013. But given that many of those tasked with implementing these laws carry horrendous prejudices. It is no wonder that crimes against women have been steadily climbing in the 2001 to 2011 period, such crimes, standing at staggering 59% higher in 2011 than a decade ago (The Times of India: 2014, Oct.31).

"Honour" killings of women can be defined as acts of murder in which "a woman is killed for her actual or perceived immoral behavior." (International Herald Tribune: 1999, May 25). Such "immoral behavior" may take the form of marital infidelity, refusing to submit to an arranged marriage, demanding a divorce, flirting with or receiving phone calls from men, failing to serve a meal on time, or -- grotesquely -- "allowing herself" to be raped. In the Turkish province of Sanliurfa, one young woman's "throat was slit in the town square because a love ballad was dedicated to her over the radio." (The Toronto: 1998, May 14)

An honor killing is the homicide of a member of a family or social group by other members, due to the perpetrators' belief that the victim has brought shame or dishonor upon the family or community, usually for reasons such as refusing to enter an arranged marriage, being in a relationship that is disapproved by their relatives, having sex outside marriage, becoming the victim of rape, dressing in ways which are deemed inappropriate, or engaging in homosexual relations. Honor killings are especially targeted against women and homosexuals. The practice, which occurs in various cultures, is universally condemned by human rights organizations (www.wikipedia.com).

1.1. General Characteristics

The distinctive nature of honor killings is the collective nature of the crime - many members of an extended family plan the act together, sometimes through a formal "family council". Another significant feature is the connection of honor killings to the control of women's behavior, in particular in regard to sexuality/male interaction/marriage, by the family as a collective. Another key aspect is the importance of the reputation of the family in the community, and the stigma associated with losing social status, particularly in tight-knit communities. Another characteristic of honor killings is that the perpetrators often don't face negative stigma within their communities, because their behavior is seen as justified by the people of local communities.

1.2. Extent

The incidence of honor killings is very difficult to determine and estimates vary widely. In most countries data on honor killings is not collected systematically, and many of these killings are reported by the families as suicide or accidents and registered as such. Although honor killings are often associated with the Asian continent, especially the Middle East and South Asia, they occur all over the world. In 2000, the United Nations estimated that 5,000 women were victims of honor killings each year. According to BBC, "Women's advocacy groups, however, suspect that more than 20,000 women are killed worldwide each year. Murder is not the only form of honor crime, other crimes such as acid attacks, abduction, mutilations, beatings occur; in 2010 the UK police recorded at least 2,823 such crimes.(www.wikipedia.com).

Most "honour" killings of women occur in Muslim countries, but it is worth noting that no sanction for such murders is granted in Islamic religion or law. And the phenomenon is in any case a global one. According to Stephanie Nebehay, such killings "have been reported in Bangladesh, Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey and Uganda." Afghanistan, where the practice is condoned under the rule of the fundamentalist Taliban movement, can be added to the list, along with Iraq and Iran. (Reuters: 2000, April 7).

1.3. Method

Methods of killing include stoning, stabbing, beating, burning, beheading, hanging, throat slashing, lethal acid attacks, shooting, strangulation and throwing in river or canal. The murders are sometimes performed in public to warn the other women within the community of possible consequences of engaging in what is seen as illicit behavior. This is a message to all women to follow the rule as the community wants.

1.4. Use of Minors as Perpetrators

Often, minor boys are selected by the family to act as the killers, so that the killer may benefit of the most favorable legal outcome. Boys in the family are often asked to closely control and monitor the behavior of their sisters or other females in the family, to ensure that the females do not do anything to tarnish the 'honor' and 'reputation' of the family. The boys are often asked to carry on the murder, and if they refuse, they may face serious repercussions from the family and community for failing to perform their "duty".

1.5. Restoring the "Honor" through a Forced Marriage

In the case of an unmarried girl associating herself with a man, losing virginity, or being raped, the family may attempt to restore its 'honor' with a 'shotgun wedding'. The groom will usually be the man who has 'dishonored' the girl, but if this is not possible the family may try to arrange a marriage with another man, often a man who is part of the extended family of the one who has committed the acts with the girl. This being an alternative to an honor killing, the girl has no choice but to accept the marriage. The family of the man is expected to cooperate and provide a groom for the girl(www.justice.jc.ca, www.unf.pa.org).

1.6. Honor Killing in National Legal Codes

According to the report of the Special Rapporteur submitted to the 58th session of the United Nations Commission on Human Rights (2002) concerning cultural practices in the family that reflect violence against women (E/CN.4/2002/83):

The Special Rapporteur indicated that there had been contradictory decisions with regard to the honor defense in Brazil, and that legislative provisions allowing for partial or complete defense in that context could be found in the penal codes of Argentina, Bangladesh, Ecuador, Egypt, Guatemala, Jordan, Lebanon, Peru, Syria, Venezuela and the Palestinian National Authority (www.wikipedia...org).

1.7. Law Panel in India

A top government panel has objected to a Supreme Court directive to all high courts and district courts, asking them to send those found guilty of having planned and committed honour killings to the gallows. The Law Commission of India, which advises the government on complex legal issues, in its latest report on 'Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of honour and tradition)', has termed the top court's "blanket direction" contrary to criminal law (Hindustan Times: 2012, Oct.1).

The notorious Khap panchayats of Haryana demanded a ban on same gotra and same village marriages, saying such a measure could solve the problem of rising crime against women. Leaders of 30 Khap panchayats who met in Rohtak passed a resolution calling for an amendment in the Hindu Marriage Act to bring the ban on such marriages into effect (The Times of India: 2012, Oct.30).

1.8. Separate Law to Honour Killing

A high level committee on status of separate law to punish those involved in honour killings. It also urged that the next round of data collection by the National Sample Survey Organization should also have figures violence against women (The Times of India: 2014, Feb.5).

Honor killing has been perceived as a social problem affecting the whole society. The prevalence of problem is not only in India but other countries too. There is huge concern by the United States Nations to eradicate the social menace. Keeping these points in mind the present work was undertaken, with the following objectives:

2. Objectives of the Study

- 1 To know about the ratio between male and female victims.
- 2 To explore that up to what extent pattern of killing was used.
- 3 To understand the different reasons behind the killing.
- 4 How is the problem of honor killing being perceived by print media?

3. Research Methodology

The present study was carried out on 77 victims of honour killing both male and female. In this research work the newspaper reports (Hindustan Times M.P. Edition, Bhopal, The Times of India, U.P. Edition, Kanpur, 2012-2013) have been the source of data. The news items relating to the honour killing have been collected systematically and their content were analyzed and presented through content analysis method. Total 63 cases were found reported in print media, in the period of two years. In this study secondary data was used and presented in a tabular form. In the print media report, researcher found information on victim's gender, victim's age, number of victims, number of offenders, reasons for killing and way of killing, law and order.

4. Findings of the Study

Sex	Number	Percentage
Male	26	33.76
Female	51	66.23
Total	77	100.00

Table 1: Sex of the victims

Table 1, shows that 66.23% female were victimized and 33.76% male were the victims of honor killing. It shows that males were also victims of honor killing.

Number	Number	Percentage
Single (only girl or boy)	49	77.77
Double (both girl and boy)	14	22.22
Total	63	100.00

Table 2: Number of victims

Table 2 indicates that 77.77% victims were alone killed for the honour whereas 22.22% of the victims were both girl and boy in case of honour killing.

Religion	Number of Victims	Percentage
Hindu	50	79.36
Muslim	07	11.11
Sikh	06	09.52
Total	63	100.00

Table3: Religion of the victims

In Table 3, Hindu victims were found more in number (79.36%) than other religions. 11.11% Muslim victims were found victim of honor killing. In other religion and 09.52 Sikh were also the victims of honor killing.

Marital Status	Number of Victims	Percentage
Married	16	25.39
Unmarried	47	74.60
Total	63	100.00

Table 4: Marital status of the victims

Table 4, shows that 74.60% victims were unmarried and 25.39% victims were married during the killing.

Victims Age (In Years)	Number	Percentage
Less than 18	14	18.18
18-20	22	34.92
21-23	11	14.28
24-26	03	03.89
27-29	03	03.89
30 and above	03	03.89
Not mentioned	21	27.27
Total	77	100.00

Table 5: Victims' Age

Table 5, indicate that highest number of the victims pertaining age group of 18-20 years (34.92%). 18.18% victims were found less than 18 years of age i.e. minor. When we glance over complete scenario, it was found that up to 23 years of age (67.38%) were the more in number of honour killing.

Relation To Victim (Girls' Family)	Number	Percentage
Father	14	22.22
Brother	12	19.04
Father & Brother	08	12.63
Father & Mother	07	11.11
Father, Brother & Mother	01	01.58
Others	15	23.80
Not mentioned	06	09.52
Total	63	100.00

Table 6: Relation to the victim

Table 6 shows that in highest number of cases (22.22%), father was found involved in honor killing. After father, the brothers (19.04%) of the girls were found accused of killing. In many cases both father and brother were found the perpetrator of the honour killing. In some cases mother has given support for the killing when father, brother were involved in crime. Others were involved in the cases are: uncle, relatives, villagers, neighbours, husband, In- laws and even unknown persons.

Reasons	Number of Cases	Percentage
Love affair	21	33.33
Extra marital relation	03	04.76
Inter caste marriage/ affair with other caste boy	09	14.28
Eloping with boy	13	20.63
Illicit relations	05	07.93
Opposing the marriage of parent's choice	03	04.76
Having sexual relation with several persons	02	03.17
Married against her family wishes	04	06.34
Others	03	04.76
Total	63	100.00

Table 7: Reasons for killing

In Table 7, highest numbers of victims (33.33%) were killed due to love affairs. Second reason for killing of the victims was the eloping with boy (20.63). Third reason was found inter- caste marriage or relation with other caste boy (14.28). Other reasons included: opposing the marriage against parent's choice, married against the family wishes etc.

Way of Killing	Number	Percentage
Strangled to death	07	11.11
Shot dead	06	09.52
Stabbed to death	04	06.34
Burnt alive	07	11.11
Killed and thrown in canal/river	03	04.76
Raped and murdered	03	04.36
Murdered and cremated	02	03.17
Putting face into a water filled drum	03	04.36
Beheaded with sword/Knife	04	06.34
Others	21	33.33
Not mentioned	03	04.36
Total	63	100.00

Table 8: Way of killing

Table 8 shows that different ways of killing of victims. It was found that in 11.11% cases, victims were strangled to death. In the same percentage 11.11% victims were burnt alive. Other ways of killing were found: stbbed to death, killed and thrown in river, beheaded with sword or knife, putting face in the water filled drum etc.

Law and Order	Number	Percentage
Case registered	21	33.33
Arrested	27	42.85
Sentenced to Imprisonment	02	03.17
Sentenced to death	02	03.17
Not mentioned	11	17.46
Total	63	100.00

Table 9: Law and order

Table 9 shows that nearly half of the accused persons were arrested. In 03.17% cases accused were punished by imprisonment and the same percentage (03.17%) of punishment of death was found. In 33.33% of cases, cases have been found registered against accused persons.

5. Discussion

The prevalence of honor killing is all over the India. In this study, 63 cases were found reported in print media in Hindustan Times Bhopal edition and Times of India Kanpur edition from year 2012-2013. In this work, it was found that Hindu females were more in number than in other religions. Study shows that males were also the victims of killing. In compare between married and unmarried, unmarried girls have been found more in number of killing than married. In this study, age of the 27.27% cases was not found and except this 86.92% victims are upto 23 years of age. The Father was the main accused of killing in many cases, whereas brother and mother were also found supporter for the honour killing.. Among the other reasons, love affair was the main reason for the killing. In 22.22% cases, strangulation and burnt alive was used for the killing. Only 3.17% convicted persons were awarded by capital punishment.

5.1. Differences in Legal and Social aspects of Crime

Part of the problem lies on the fact that, notwithstanding the 2011 Supreme Court directive that honour killings should be treated as the “rarest of rare crime and those pertrating it should be sent to the gallows”, honour killing is not a classified crime in India even now.

Back in 2009, the government had first proposed to define hounor killings as a distinct offence in the IPC. It had also wanted a separate law to check this, particularly after the United Nations had twice referred to this illegal activity thriving in many Asian countries.

It was said in the Rajya Sabha in July 2009 – “Caste panchayats (Khaps) aid and abet hounor killings. Principal actors in such panchayats need to be arrayed as accused and prosecuted for murder”.

The government, however, was virtually forced to go slow on the issue 28 states did not send in their views on the proposed changes in the criminal laws to curb honour killings, particularly widespread in Haryana, Rajasthan and Uttar Pradesh.

Faced with such apathy the government shelved its pain to bring a fresh law to curb hounor killings and decided just to update the existing laws.

The commission has recommended a two- year jail term for those members of khap panchayats who order honour killings (Hindustan Times: 2014, September 24).

6. Conclusions

Women for centuries have been subjected to humiliation of one sort or the other. They were treated like ‘dependents’ throughout their life. The dawn of the 20th century all over the world has shown definite improvement in their status. Even in the western countries, women got franchise only in the beginning of the 20th century. In our country, the constitution of India provides equal status to men and women. They can access to education and employment opportunities on par with men. There are women in different and higher posts who have made an indelible mark in public life. But, still exploitation and victimization of the women is common from the centuries. Violence against women is on the increase at the bottom of the pyramid.

What’s deeply worrying is evidence of collusion among powerful community and state agencies with the authority of Khap panchayats allowed to override the Indian penal code. Honour killings are endemic in Punjab, Haryana, UP and Rajasthan. What’s preventing its deligent enforcement is the nexus between the police and political parties. Political parties and state governments should themselves condemn honour killings forthrightly. If India is to emerge as a modern nation, the fundamental rights of citizens must be given higher priority than the privileges of archaic collectives such as Khaps (The Times of India: 2012, Nov.28).

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