

HONOUR KILLINGS: A CRITICAL REVIEW OF PERSONAL LAWS AND SOCIETAL NORMS

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“All that exists is just and unjust and equally justified in both”

-Nietzsche⁴⁴⁵

The new menace of our 'modern' society, Honour killings, also known as customary killing is the murder of a family or clan member by one or more fellow family members, in which the perpetrators and potentially, the wider community believe the victim to have brought dishonour upon the family clan or community. Honour killings and punishments have been documented over centuries, among the wide variety of ethnic and religious groups, throughout the world. For example, The Code of Hammurabi of Babylon and Assyrian law of the civilization of Mesopotamia.

Honour killing is more prevalent where a member of a lower class (wrt., social status or wealth status) marries a person of relatively higher class (high social or wealth status). Honour killing dealt with a barbaric custom of murdering women for immoral activities, at the hands of male family members, including fathers, brothers and even husbands, to maintain the purity of honour or restore the family honour. The daughters who disobey their parents and decide to marry with a man of her choice, consider to bring dishonour upon her family and commit an offence that could be purified only with blood. Relatives, usually male, commit acts of violence against wives, sisters, daughters and mothers to reclaim their family honour from real or suspected actions that are perceived to have compromised it.

Human Rights Watch also define “Honour Killings” in the similar manner as Honour crimes are acts of violence, usually murder, committed by male family members, against female family

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⁴⁴⁵ From Nietzsche, *The Birth of Tragedy* (1956), p.65.

members who are held to have brought dishonour upon the family.⁴⁴⁶ Women can be targeted by individuals, within her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking divorce-even from an abusive husband or allegedly committing adultery. The mere perception that a woman has behaved in a way that “dishonours” her family is sufficient to trigger an attack on her life.

According to the United Nations, between 5000 and 10,000 women are killed annually by their husbands or close relatives for allegedly bringing a stain of dishonour to their families that only the killing- the physical extermination- of the woman can remove. Yet these crimes are presented in the media and crime reports as ‘family tragedies’ or ‘crimes of passion’, although they are in effect, honour killings.⁴⁴⁷

Honour killings, the most extreme form of honour related violence against women in strictly patriarchal societies, are motivated by a wide variety of social, cultural, psychological factors. Women are killed for any number of ‘offences’, including pre-marital or extra-marital sex, refusal to marry a man the family has chosen for her, demanding a divorce, being a victim of rape or incest, dressing in an immodest way.

A family’s honour is dependent upon the behaviour and chastity of the women in the family, or other female relatives. In some countries such as Pakistan women must be killed publicly. Ironically, most women who were killed alleged sexual transgressions were determined in autopsies to still be virgins.⁴⁴⁸ A particularly, cruel type of honour killings concerns girls who were killed because they have been raped by a family member or been the victim of incest. Most legal courts specifically provide for much reduced sentences for honour killers, often only between six months and three years of incarceration. Once in prison, honour killers are treated like celebrities by their families, guards and other inmates, especially if they are under age, because in that case they have ‘sacrificed’ themselves for their family honour. The family looks after them and honours their memory.⁴⁴⁹

⁴⁴⁶Amir H. Jafri, *Honour Killing: Dilemma, Ritual*, Understanding (1st ed, Oxford University, 2008)

⁴⁴⁷Foblets, Dundes Renteln; *Multicultural Jurisprudence*

⁴⁴⁸Marie-Claire Foblets And Alison Dundes Renteln, *Multicultural Jurisprudence* (1st ed, Mohan Law house,2010)

⁴⁴⁹S Saywell, *Crime of Honour*(Documentary, New York, Icarus Films, 1998)

The present paper is divided into three parts. The First part deals briefly with the meaning of honour killing and the reasons behind it with the historic perspective. Further the paper deals with the critical review according to Hindu Law and Muslim law applicable in India. The third and the last part of the paper describes about the societal norms and customs that encourage the crimes of ‘honour killing’.

HISTORICAL PERSPECTIVE

In Indian context, Honour killings are different from dowry deaths that are prevalent in India. In the case of dowry deaths, the perpetrators of that action claim that they have not been given enough material rewards for accepting the woman into the family. In that case, there is a lot of harassment from the in-laws and more times than one, it has been noticed that wife commits suicide rather than being killed by the in-laws though it has to be said that she has been mentally killed, if not physically. This tradition was viewed in its most horrible form during the partition of the country in between the years 1947 and 1950 when many women were forcefully killed so that family honour could be preserved.

During the partition there were a lot of forced marriages which were causing women from India to marry men from Pakistan and vice versa.⁴⁵⁰ After which there was a search to hunt down these women who were forced to marry a person from another country and another religion and when they returned home they were killed so that the family honour could be preserved and they were not declared social outcasts from their religion. At that time the influence of religion and social control was much greater and hence there were at least a couple of honour killings a day if not more. The partition years can be seen to be the beginning of the tradition of honour killing on a large scale. Honour killings are not specifically related to India only. The practice prevails in North and South America, Africa, Turkey and many other countries. But the number of incidents relating to this crime is very low and there is a very strict punishment for committing this crime there. For some years now, there has been a spate of honour killings in the country which has led the

⁴⁵⁰Anna C. Korteweg, *Understanding Honour Killing And Honour Related Violence In The Immigration Context: Implications For The Legal Profession And Beyond*

government to decide what laws should be put in place to stop this heinous crime. Also whether the Hindu Marriage Act should be reformed or not is being debated.⁴⁵¹

The Hindu Succession Act amended in 2005 which mandated inheritance rights to daughters has led to greater insecurity among the land holding communities. This has led to a situation where the community feels that their daughters can bring in new stakeholders like a husband from another caste who can claim the right to the wife's claim. In an arranged marriage social pressures exist and the parents are assured that no such claim will come. In cases of contentious marriage there is always a lurking danger that the daughter can exercise the right of inheritance. This has led to the landed communities like the jats to devise means to negate the law on daughter inheritance by having very strict guidelines for the marriage.

Sociologists believed that the reason why honour killings continued to take place is due to the continuous rigidity of the caste system and secondly the mentality of people has not changed and they just cannot accept that marriages can take place in the same gotra or outside the one's caste. The root cause for the increase in the number of honour killings is because the formal government has not been able to reach the rural areas and thus as a result, this practice continues though it should have been removed by now.

DEFINITION OF HONOUR KILLING

In many cultures, an individual's identity is closely tied to their family unit. In such a culture, the family's honour is viewed as a personal reflection on each member of the family. As a result, family members may have strong responses to actions of other family members that appear to bring dishonour to the family. These strong responses sometimes lead to great violence, which in the case in the practice of honour killings.

In the modern age, the term was first used by a Dutch scholar of Turkish society, Ane Nauta in 1978. Nauta sought a term that could be used in contradiction to the blood feud, with which honour killings should not be confused.

⁴⁵¹Rao Arif Ali Khan, *Honour Killing Roots and Remedies A Global Views* (1st ed. A Mittal Publication,2012)

Human Rights Watch defines "honour killings" as the acts of violence, usually murder, committed by male family members against female family members, who are held to have brought dishonour upon the family. A woman can be targeted by (individuals within) 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 (allegedly) committing adultery. The mere perception that a woman has behaved in a way that "dishonours" her family is sufficient to trigger an attack on her life.⁴⁵²

Thus an honour killing (also called a customary killing), can be said as the murder of a member of a family or social group by other members, due to the belief of the perpetrators (and potentially the wider community) that the victim has brought dishonour upon the family or community. Hence a murder committed in order to save what is considered in a specific culture the "honour" of one's family against the shame caused by another member of the family could be termed as the honour killing.

Reasons for honour killing:-

The main reason for commitment of an 'honour killing' is belief that any member of family had brought dishonour to the family. The dishonour can be of different types for different families. The perceived dishonour is normally the result of the following behaviours, or the suspicion of such behaviours, which are dress codes unacceptable to the family/community; or wanting to terminate or prevent an arranged marriage or desiring to marry by own choice; or engaging in certain sexual acts, including those with the opposite or same sex, etc.

Also the most obvious reason for this practice to continue in India is because of the fact that the caste system continues to be at its rigid best and also because people from the rural areas refuse to change their attitude to marriage. Also in our country the society is mainly the patriarchal. Men are expected to enforce such norms and traditions and protect family and male honour from shame. Women are expected to conduct themselves honourably. This understanding of the notion gives

⁴⁵²'Violence against women and Honour Crime' at <http://www.hrw.org/press/2001/04/un_oral12_0405.htm>as accessed on 29rd July 2015.

legitimacy to all forms of social regulation of women's behaviour and to violence committed against them. Some other factors possible are:

1. Allegation of pre-marital or extra-marital sex.
2. Refusal for an arranged marriage
3. Inter-caste or inter-religious marriage
4. Pregnancy not related with legally married husband
5. Homosexuality
6. Live-in-relationship

LAWS PRESENTLY ON THE 'HONOUR KILLING'

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. But 'Honour Killings' are against International Law on Human Rights and against United Nation agendas. But still even though we don't have any law to deal with it specifically in India but we have judicial precedence over it. There are also some bills which are in the latent stage against the honour killings, which are planned to be introduced in the parliament sooner.

JUDICIAL PRECEDENCE IN INDIA & WORLD

Normally the cases of 'honour killings' were admitted inside the courts in India, in the forms of homicide or manslaughter. But after seeing the nature and the facts of the killings, courts were also used to follow the flimsy, so-called "honour" of the family in the name of which the heinous crime was done and the perpetrators usually were rescued. This we can observe from the judgement of Supreme Court, in which Justice VS Sirpurkar and Justice Deepak Verma said it wasn't a rarest of rare case. *"The murders were the outcome of a social issue like a marriage with a person of so-called lower caste. Such killings do not fall in the category of the rare of the rarest as the family of the girl has to face lot of taunts and humiliation in the society for the acts of the girl. However, time has come when we have to consider these social issues relevant while considering death sentence in such circumstances,"* they said. In other words, the court classified the shameful caste-based 'honour killings' as different from other homicides in which the maximum punishment of

death can be awarded. In this case the brother of the girl, who belonged to Uttar Pradesh, had killed five members including his brother-in-law who was a Scheduled Caste.

This was the earlier tradition, but nowadays from the various judgements of the courts we can say that now the 'honour killings' are not termed differently. Courts through their judgements had reiterated that killing anyone even in the name of 'honour' is the violation of the Fundamental Rights such as Article 14, Article 15, Article 21 under the Constitution of India and anyone going contrary to the constitution will be punished.

In a landmark judgment, in March 2010, the Karnal District Court ordered the execution of five perpetrators in an 'honour killing' case of *Manoj & Babli*, while giving a life sentence to the khap (local caste-based council) head who ordered the killings of Manoj Banwala (23) and Babli (19), two members of the same clan who eloped and married in June 2007 and later their mutilated bodies were found a week later from an irrigation canal. In her verdict, district judge Vani Gopal Sharma stated, "*This court has gone through sleepless nights and tried to put itself in the shoes of the offenders .Khap panchayats have functioned contrary to the constitution, ridiculed it and have become a law unto themselves*". The case was both the first court judgement convicting *khap panchayats* and the first capital punishment verdict in an honour killing case in India. The Indian media and legal experts hailed it as a "landmark judgement". Also, few honour killing cases go to court, and this is the first case in which the groom's family in an honour killing filed the case.

The Khap Panchayats are regarded as the age old upholders of caste norms. Khap Panchayats and their atavistic judgments are only one manifestation of the way caste relations continue to despoil the civil society. The Khap was a system of social administration in Haryana, Rajasthan, and Uttar Pradesh since ancient times. For some reasons the political unit of khap was defined as a group of 84 villages. This unit of measure is found as far back as the Saka migrations. The basic rule made by the khap panchayats is that all boys and girls within a khap are considered to be siblings and hence not eligible to marry each other. Love marriages are considered a social taboo in regions governed by khap rules. Many couples have been brutally killed in the past for defying khap rules. These killings are executed in the name of preserving the Hindu traditions and saving the honour of the clan. According to them, marriage within the same gotra amounts to incest which is in contravention to the Hindu traditions.

Also on August, 2010 the Supreme Court in a case of *State of U.P. v. Krishna master & Ors*⁴⁵³ awarded life sentence to three persons who caused the death of six persons of a family in a case of ‘honour’ killing at a village in Uttar Pradesh in 1991. A Bench of Justices H.S. Bedi and J.M. Panchal reversed the order of acquittal passed by the Allahabad High Court after the trial court handed them the death sentence. The Bench said: “*There is no manner of doubt that killing six persons and wiping out almost the whole family on the flimsy ground of saving the honour of the family would fall within the rarest of rare cases and, therefore, the trial court was perfectly justified in imposing the capital punishment on the respondents.*”

Also a bench of Supreme Court headed by Justice Markandey Katju in the case of *Lata Singh Vs State of Uttar Pradesh and others*⁴⁵⁴ had said, “*Honour killings are nothing but barbaric cold blooded murder and no honour is involved in such killings.*” The Supreme Court while dropping all criminal proceedings against Singh's husband and her in-laws had gone to the extent of observing that “*inter-caste and inter-religious marriages should be encouraged to strengthen the social fabric of society.*”⁴⁵⁵

Recently on June 22, 2010 the Supreme Court had issued notice to the Central Government and nine states in the face of rising ‘Honour Killings’ across the country on the Public Interest Litigation filed by *Shakti Vahini*. The court wants to know what steps are being taken to curb such violence.⁴⁵⁶

Thus we can see that in lack of any specific law on ‘Honour killing’ the judgements of the cases are normally conflicting. But now after the landmark judgements of Supreme Court cited above we can normally presume that where there is ‘rule of law’, law does not rescue any person to kill

⁴⁵³CRIMINAL APPEAL NO. 1180 OF 2004, at <<http://judis.nic.in/supremecourt/helddis3.aspx>> as accessed on 6th December, 2010

⁴⁵⁴2006 (5) SCC 475

⁴⁵⁵SC’s conflicting judgement on honour’

at<<http://news.webindia123.com/news/articles/India/20100613/1525659.html>> as accessed on 8th August, 2015.

⁴⁵⁶‘Honour killings and the need for new legislation’ at<<http://indialawyers.wordpress.com/2010/07/03/honour-killings-and-the-need-for-new-legislation/>> as accessed on 2nd August, 2015.

anyone in the name of honour of his family or clan.

Moving to the scenario of the world we can see that the other countries are too standing on the same footing as India is on the issue of 'Honour Killing'. The first instance can be drawn from U.S.A. where in 1999; a Texas judge sentenced a man to four months in prison for murdering his wife and wounding her lover in front of their 10-year-old child.⁴⁵⁷ In Turkey, the Istanbul 2nd High Criminal Court adjudicated one more "honour killing" in the hearing and had given a life imprisonment to a perpetrator for strangling his wife.⁴⁵⁸

Moving to any '*statutory body*' set-up till now in India on the issue of 'honour killing', we will find that till now only a single statutory body had been set-up that too in 1990. The National Commission for Women set up a statutory body in order to address the issues of honour killings among some ethnic groups in North India. This body reviewed constitutional, legal and other provisions as well as challenges women face. The NCW's activism has contributed significantly towards the reduction of honour killings in rural areas of North India.⁴⁵⁹

BILL PROPOSED IN THE PARLIAMENT

As we all know that we don't have any codified law on 'honour killing.' But alarmed by the rise of honour killings, the Government is planning to bring a bill in the session of Parliament (2010) to provide for deterrent punishment for 'honour' killings. Chidambaram asserted, "The vilest crimes are committed in the name of defending the honour of the family or women. Whoever is the cause of the crime, an individual or a collective, must be punished. My duty is to ensure that laws adopted by Parliament are obeyed and enforced. Once the law is made, it must be enforced."⁴⁶⁰

So the drafters of the proposed bill intend to add a clause to Section 300 of the Indian Penal Code, 1862. Section 300 deals with the crime of murder, the maximum punishment for which is death and/or a fine. It also wants to amend the Indian Evidence Act and the Special Marriages Act, 1954,

⁴⁵⁷ <<http://www.satireandcomment.com/sc1007honour.html>> as accessed on 1th August 2015.

⁴⁵⁸ <<http://www.stophonourkillings.com/?q=taxonomy/term/22&page=6>> as accessed on 1th August 2015.

⁴⁵⁹ <<http://www.jeywin.com/blog/the-evil-of-honour-killing-in-india/>> as accessed on 12th of December 2010.

⁴⁶⁰ <http://www.thaindian.com/newsportal/uncategorized/honour-killings-a-shame-on-indiachidambaram_100224214.html> as accessed on 1th of August, 2015

which would do away with the provision for the mandatory 30 days' notice period for marriages intended to be solemnized under this Act. The amendment in Special Marriage Act, 1954 is necessary because the present procedure of getting a marriage registered is a long process. The complete process takes about 45 days. During this period a couple may be vulnerable and incidence of killing in name of 'honour' may happen. So steps need to be taken to simplify the registration process by amendment. The new bill is also expected to bring in a definition of such honour killings so that it will be treated as special crime and will ensure clarity for the law enforcement agencies.

'Honour killing' is not confined to the northern States such as Punjab, Haryana, and Uttar Pradesh. In the south, Tamil Nadu has seen similar incidents in the recent past. Here, however, the objection to marriage was based on caste prejudice. In 2003, a young couple, S. Murugesan and D. Kannagi, was harassed and killed by the young woman's relatives because the former was a Dalit and the latter a Vanniyar. This happened at Puthukkooraipettai village in Cuddalore District. Both were graduates and their marriage had been duly registered under the Hindu Marriage Registration Rules, without the knowledge of their parents. Kannagi's father, who was the president of the local panchayat, saw it as an affront to his "family honour" as well as "caste honour." The couple ran for life, but were caught and allegedly poisoned to death. One major difference between the North Indian incidents and the Cuddalore village tragedy is that the informal panchayat (which exists in almost every village in Tamil Nadu) did not seem to have played any role in the Puthukkooraipettai atrocity. If this is the state of 'love marriage' across caste divides in a progressive State like Tamil Nadu where the government patronises it, what can one say about the happenings in States like Haryana...⁴⁶¹

There is a long way to go before constitutional and legal equality and democracy can translate into genuine social democracy on the ground. Against this background, we can take heart that influential sections of the news media have done well. They can do even better by taking up — consciously and on a more extensive scale — a progressive agenda-building role on social issues.

⁴⁶¹<http://www.thehindu.com/opinion/Readers-Editor/honour-killings-what-needs-to-be-done/article409862.ece> as accessed on 7th August 2015.

HINDU AND MUSLIM LAWS

Honour killing is the premeditated murder of a relative (usually a young woman) who has allegedly impugned the honour of her family. Social norms or mores are the rules of behaviour that are considered acceptable in a group or society. People who do not follow these norms may be shunned or suffer some kind of consequence. It tends to predominate in societies where individual rights are circumscribed by communal solidarities, patriarchal authority structures, and intolerant religious and tribal beliefs. Under such conditions, control over marriage and reproduction is critical to the socioeconomic status of kinship groups and the regulation of female behaviour is integral to perceptions of honour, known as *maryada* in many Indian languages and as *ghairat* in Urdu and Pashto.

Though neither Islam nor Hinduism directly sanctions honour killing, both plays a role in legitimizing the practice in South Asia—if for no other reason than that such societies have not prosecuted this crime, have issued light sentences, or have failed to use their religious authority to punish and abolish it. Hindu society is divided into religiously mandated castes, membership in which is hereditary and effectively permanent. At the lowest rung of the ladder are roughly 150 million Indians who are called Dalits (the oppressed), commonly known in the West as "untouchables." Although many Dalits have reached high political office, notably former president K. R. Narayanan,⁴⁶² they are still held in low regard by many other Indians⁴⁶³.

According to Hindu religious law and tradition, marrying or having sexual relations with a member of a different caste is strictly forbidden. So, too, is romantic involvement with someone from the same sub-caste (*gotra*), a proscription that contrasts notably with Muslim cultures where first cousin marriage is widely accepted. The vast majority of Hindu honour killings target young Indians suspected of violating one of these two commandments. In northern India, the murders are often explicitly sanctioned or even mandated by caste-based councils known as *khap panchayats*.⁴⁶⁴ Although the Hindu Marriage Act of 1955 made inter-caste and intra-*gotra* marriages legal, both remain unacceptable to the large majority of Indian Hindus. According to a

⁴⁶²*The New York Times*, July 26, 1997.

⁴⁶³"Caste-based Discrimination in South Asia," European Commission (Brussels) and the International Dalit Solidarity Network, June 2009; "Broken People: Caste Violence against India's 'Untouchables'," Human Rights Watch, Washington, D.C., Apr. 1, 1999.

⁴⁶⁴*Times of India* (Mumbai), Mar. 30, 2010.

2006 survey, 76 percent of the Indian public oppose inter-caste marriage.⁴⁶⁵ In some areas of the country, any marriage not arranged by the family is widely regarded as taboo. "Love marriages are dirty ... only whores can choose their partners," one council leader told an Indian reporter.⁴⁶⁶

Although Islam does not specifically endorse killing female family members, some honour killings involve allegations of adultery or apostasy, which are punishable by death under Shari'a (Islamic law). Thus, the belief that women who stray from the path can be rightly murdered is consistent with such Islamic teachings. The refusal of most Islamic authorities to unambiguously denounce the practice (as opposed to merely denying that Islam sanctions it) only encourages would-be honour killers.

Shariah Law is the governing law in Islam. All aspects of a Muslim's life are based on Shariah Law, and this law reflects what is in the Qur'an and Sunnah, as well as certain Fatwas (rulings) by Islamic scholars.

'Honour Killings' is something that is not permitted by Islamic Law. It is when someone kills another on the basis that they have defied family or social honour. This practice did not start within **Islamic** culture, although it is prominent in many so called 'Muslim' countries today. The practice has happened throughout history, in Ancient Rome, Ancient Egypt etc. And today it is being practiced in many areas, especially throughout Asia. People these days think it is something permitted in Islam, and that is so unfortunate, and **not correct at all**. Killing in Islam is a major crime, and a person in Islam is not allowed to kill another without valid reason (the three reasons as stated in Islamic Law), and those who kill for 'honour' do not have valid reasons or evidence.

While the Qur'an preaches the equality of all Muslims (or at least all Muslim males), and Islamic leaders frequently bemoan the evils of India's caste system, vestiges of caste identification are evident among some Pakistani Muslims, who are descended from Hindus who were forcibly converted to Islam in the Middle Ages and were part of India before 1947.

Although Hindu honour killing is a gruesome and sordid affair, it differs in many important respects from honour killing in neighbouring Pakistan and other Muslim countries. Indian Hindus

⁴⁶⁵*The New York Times*, July 9, 2010.

⁴⁶⁶*Times of India*, Sept. 8, 2009

murder men for honour more often than do Pakistani Muslims, and they murder for reasons mainly related to concerns about caste purity.

Perhaps the most striking characteristic of Hindu honour killings is the fact that Indians abandon the horrific practice when they migrate to the West whereas many Pakistani Muslims carry it with them. Part of the explanation may lie in their different patterns of acculturation upon immigrating to the West. Young Hindus in the West are no less prone to violate traditional social codes than young Muslims, and their parents may be no less furious when they do, but Hindu families in the West do not feel the same degree of public humiliation and shame as they might experience back in India. They are eager to preserve their cultural identity but not at the expense of alienating their adoptive communities. The absence of dreaded *khap panchayats* no doubt mitigates the consequences of dishonour.

Due in part to the spread of radical Islamist ideology, Muslim immigrants in the West are either radicalized or socialize predominantly within Muslim-only communities, and their conception of honour reflects this. Even affluent young women of Pakistani descent in the West can face the credible threat of death or severe bodily harm. Actress Afshan Azad, who played a in the Harry Potter film series, was beaten and threatened with death in 2010 by her Pakistani father and brother for dating a non-Muslim. If she can be victimized, anyone can.

In 2010, Prime Minister Manmohan Singh ordered a cabinet-level commission to draft national legislation designed to eradicate honour killing⁴⁶⁷. The proposals included an amendment to the penal code allowing *khap panchayats* leaders to be prosecuted for sanctioning murders as well as the revocation of the 30-day notice period required by the Special Marriage Act, which has enabled families to track down and primitively kill the couples⁴⁶⁸. In 2011, the Law Commission of India, under the Ministry of Law and Justice, drafted a new bill—The Endangerment of Life and Liberty (Protection, Prosecution and Other Measures) Act—designed to prevent *khap panchayats* from denouncing couples who violate caste restrictions. According to the bill,
It shall be unlawful for any group of persons to gather, assemble or congregate with the ... intention to deliberate, declare on, or condemn any marriage or relationship such as marriage between two

⁴⁶⁷*Times of India*, July 9, 2010.

⁴⁶⁸ "India: Prosecute Rampant 'Honour' Killings," July 18, 2010.

persons of majority age in the locality concerned on the basis that such conduct or relationship has dishonoured the caste or community or religion of all or some of the persons forming part of the assembly or the family or the people of the locality concerned.⁴⁶⁹

The fate of this legislation is uncertain; however, as the *khap panchayats'* control over local voting blocs has enabled them to blunt legislative reforms in the past. The government has made more progress on the judicial front. In 2010, India's Supreme Court instructed the governments in Haryana and six other states to take steps to protect potential honour killing victims.⁴⁷⁰ In 2011, it decried honour killing as a "barbaric and shameful" practice that must be "ruthlessly stamped out."⁴⁷¹ The court also declared honour killings ordered by *khap panchayats* to be illegal and warned that government officials who fail to act against honour crime offenders will be prosecuted.⁴⁷²

Although fear of caste ostracism makes it difficult to find cooperative witnesses, Indian courts have begun aggressively prosecuting honour killers and their accomplices. In 2010, a Haryana court sentenced five men to death for the honour murder of a young couple who had married despite being members of the same sub-caste while giving a life sentence to the head of the *khap panchayat* that ordered their deaths. In November 2011, an Indian court sentenced eight men to death and twenty others to life imprisonment for involvement in three honour killings. Increasingly, local police officials have been suspended and even arrested for collusion in honour killings.

India still has a long way to go. While the Indian government continues to face resistance and evasion of responsibility on the part of local officials, it has not encountered the same kind of virulent, often violent, opposition to women's rights typical of Pakistani Islamists. There is little doubt that India is determined to win what promises to be a long battle against honour killing. The Western media's interest in Hindu honour killings developed only after Indians themselves began exposing the practice and pressing for change.

CONCLUSION

⁴⁶⁹*The Hindu*, [June 8, 2011](#).

⁴⁷⁰*Times of India*, [June 21, 2010](#)

⁴⁷¹ BBC, [Apr. 20, 2011](#).

⁴⁷²"Crime and Punishment," *Times of India*, [Apr. 27, 2011](#).

Honour killing is done for saving the honour of the family. But there is no such honour in killing any person. 'Religion' and 'culture' cannot and must not be invoked as excuse for the killing of women, because religion and the laws which derive from it are always subjective interpretations. No 'culture' has the right to kill and harm women based on their perceptions of morality or honour. The freedom of belief does not mean freedom to kill. Everyone has right to life with full dignity and equality. Hence active laws are the only antidote to such dishonourable practices.. Honour-killing in the name of tradition is a heinous crime in this age of the liberal-democratic ethos. It is sad but true that the Khap Panchayats have been supportive of these killings—they have been forced to change their stand and criticise such acts only belatedly under the pressure of civil society. The patriarchal-feudal mind set wishes that it be followed in unswerving obedience – its writ has to run. No voice of dissent is to be allowed – custom and tradition is the shield for defence, it is the cloak that conceals the real mind set. The new wave of young blood, gradually becoming aware of its individual space, influenced as it is by the winds of change brought about by the democratic ethos and liberalisation, is learning to take its own decisions. The right to vote at 18— why not the right to choose your own partner at the legally prescribed age? And there lies the story of two mind sets pitted against each other in the backdrop of a society struggling to emerge from its earlier avatar. The individual's right at a legally prescribed age should be respected.