

# Honour Killing in India - An Analysis beyond Cultural Manifestation

Avantika Singh

Institution - Department of Political Science, Delhi University

**Abstract:** *Honour killing is subject to critical scrutiny over its usage of the word 'honour' and its association with the uniqueness of culture. Such words and association legitimises an act of crime into legitimate action taken by masculine community. It is to prevent the perceived disgrace on community by resorting to all types of violence against those man and woman who challenges to defy it. This article is a work to bring in gendered angle to the rhetoric of honour killing. Such knowledge will bring in notice of the scholarship the reason which are political and economic too. The scope of this article will also analyse various reasons as why even till now no bill is legislated which confronts this act under the category of crime.*

**Keywords:** Honour Killing, Khap, Law and Policy

## 1. Introduction

The definition of honour killing can be defined in different lexicons. According to Human Rights Watch, the mere perception that "a woman has behaved in a way that 'dishonours'" her family is reason enough to incite violence against her.

The concept of 'izzat' highly politicised in masculinity. Many feminists have cautioned the use of word honour to be associated with killing as they see no honour in violence to keep-sake masculinity. Honour killing - a crime of utmost savagery is all about politics of control. The root of this misogyny gets scripted by parochial delegation of few men from community conforming to archaic ideals to be followed over and by woman and man. The family becomes a factory for constructing patriarchal masculinity to such a natural depth that when any woman is found or even exist a slightest apprehension on her of not conforming to an obnoxiously defined misconduct, no solidarity awaits. Thus, she can be killed, strangled, stoned anything to end the perceived disgrace with an applause. According to a statistics published by Chesler and Bloom, In India approximately 900 of the total reported instances of honour killing are from state of Haryana, Punjab and Uttar Pradesh only.

## 2. Objective of the work

Noted academician Uma Chakravarti in her work "From fathers to husbands: of love, death and marriage in North India" (2005) notes that the term "honour killing" needs to be questioned for its association with the uniqueness of cultures. I build on my article on her work and seeks to critically engage with rhetoric around honour killing which have manifested itself only as a cultural fault overlooking the gendered dimension of honour killing. In this article I will examine the structures of power which caricatures this act of profanity. For the purpose of this article, I am confining my arguments to the northern states of India where honour killing is seen.

### Khaph and Honour Killing

Right to marry out of choice is an inherent component of right to life as enshrined by Article 21 of the constitution

also held in spirit by a court judgement in Lata Singh V/S State of U.P (2006, SC 2522) . But the "pursuit of happiness" marriage in some geographical land locks of India and famously Punjab, Haryana, U.P becomes rather an event of shame if not befitting the solemn laid rules for an alliance which diagrams who can marry whom. The delegation of man in an event of rupture to tailored rules , sits to decide on an act of grave indiscipline by those who did not confirmed to an authoritative domination. This delegation is widely called as Khaph. Even after 73<sup>rd</sup> amendment act which led to an extension of Panchayati Raj all across country, this parallel non state system continues to perform its dominated adjudication role in marriage, caste, property and inheritance rights.

Khaph's, honour killing dictate have emerged as among most brutal organised form of crime in India. It is highly political , highly masculine and deeply embedded in conflict but perfectly falls in lines of a patriarchal subversive authority to keep sexuality in check.

### But, are shame economical?

But is 'izzat' and associated violence when abhorring the norms, just related to cultural impetus? Chakravarti says in her essay (2005) "Action to uphold izzat is always a male prerogative; women can only 'incite' action... the concept of 'honour' in punishing 'defilers' is essentially a means of maintaining the material structures of social power and social dominance," .

In many state of India, particularly northern part, shame can also be understood as an economic and social identity crisis. Monogamy a marriage practice prominent vastly in India seeks to produce a "legitimate inheritor" from a union. With Khaph domination, marriages also act to safeguard political economic compulsion of power to maintain familial control over property. To keep it within the strict ambit of a particular caste, it led to a subversive manifestation of sexuality of reproduction and production with strict adherence to promulgated marriage rules for keeping the land pure. A marriage of higher caste woman with lower caste man would not only disrupt the continuation of caste based exploitation in agrarian relation but it will shame family to treat lower caste groom as an equal. Indian

constitution, which gives equal claim to woman in inherited ancestral property under the Hindu Marriage act 1955, Hindu Succession Act 1956 can mean transfer of purity of land to lower caste. It makes no social or economic sense. However, not appreciated but a boy from high caste marrying a low caste girl is not taken as a serious offence attracting punishment grave as honour killing. Reason to it rest in dogma that unlike in a first case, there will be no subversion of an already low caste status of a bride family. The principle of who can marry whom also extends to gotra with restriction among marriage in same caste also. While on one hand, mathematical rule to marriage forbids same gotra marriage on moral, ethical, same blood lineage. Economic compulsion can also lead to brutality, if a woman from a dominant and majority gotra within village or outside village marry man belonging to minority gotra within or outside village. Majority gotra administers and owns most lands, thus they coronate themselves as being elite against minority gotra who were migrant and thus inferior.

A possibility of shame coming from daughter defying crass restrictions, largely speaks in volume as a reason behind skewed sex ratio in state of Haryana. With lesser woman to marry within a caste with innumerable customary rules governing marriage, it becomes all more authoritative to keep in check the sexuality and prevent them falling in love with other caste.

In a society where base to marriage alliance rest on economic compulsion to purity and status, the corpus of new law extending equality to woman in ancestral property actually have led to ferment in patriarchal society. The shame have got more deeper. In a patriarchal land, seeking legitimate property right by a girl is treated as nothing less than a stigma. Even for girl who perfectly followed the marriage rule diagram to continue enjoying social status of not been a disgrace to family by contracting out her freedom, an onus of family's honour remains still a continued compulsion on them. The keep sake of this honour continues with women giving away their property rights to the members in paternal family. An absence of it results in ire in varied form.

Thus, in states like Haryana, a trend to forgo property claim by women by signing relinquishment deed, blood relation transfer deed is a scenario to be critically read between the lines. Such face, raises concern on continuation of skewed sex ratio. Beti Bachao, Beti Padhao scheme inaugurated from Haryana by Prime Minister, can meet its desired fate only when such lethal stark realities is understood with its contestable implication.

### 3. Legal Aspects and Politics

As mentioned already, Supreme court in Lata Singh v. State of U.P (2006) ordered for stern actions against all those who threaten or can be possible threat to couples who married out of choice. The court said "There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve hard punishment". In the same year, In case of ordered killing of Manoj Banwala and Babli who belonged to same gotra and eloped to get married to each

other, Karnal District court in a landmark judgement, ordered for the executions of all the booked perpetrators.

In 2010, the legal cell of All India Democratic Women's Association (AIDWA) along with many women's centric organisations, drafted a proposal titled "The Prevention of Crimes in the name of Honour and Traditional Bill" for the consideration by the then UPA government. The bill reads "All persons including young persons and women have the right to control their own lives, a right to liberty and freedom of expression, and a right of association, movement and bodily integrity. Every man and woman has a right to choose her/his/own partner in marriage or otherwise and any action listed below to prevent the exercise of this right shall amount to an offence under the provisions of this bill". The bill was a comprehensive report on what can be possible preventive measures, what can be punishments in regard to such violence. It was a planned draft at ensuring accountability of police and administration and it sought to define khap as a illegal unit. National Commission of women supported the bill and gave a similarly named bill to the government. However, the then UPA government did not paid any heed to the joint recommendations made by AIDWA and National Commission for women. The proposal was locked in bureaucratic files.

Subsequently, the apex court in the case of Bhagwan Dass v. Delhi (2011), classified honour killing in the category of "rarest of rare" crimes deserving death penalty. Soon after, the central government put forward the suggestion that Indian Penal Code, section 300 be amended to incorporate 'honour killings' within the definition of murder. However, the Law commission rejected the suggestion and came out with its own version of Bill in its 242 report. It drafted the "Prohibition of Unlawful Assembly Bill", 2011 also known as Interference with the freedom of Matrimonial Alliances Bill. It sought to declare unlawful assembly of khap panchayats preventing self choice marriage, as illegal. This bill was furthered by government to state government for consultation.

With the change of government, the destiny of bill though remained unchanged. With frequent reminders and pressures from AIDWA and like minded bodies, the ministry replies seem to remain non conforming as they await for responses from state governments to the recommendations proposed by Law Commission.

The brushing off responsibility technique carried as a legacy from government to government have marred the future of Bill. It is one step forward and two step backward scenario.

### 4. Conclusion

The crime data of honour killing is updating itself year by year, but not in records of National Crime Bureau as yet, we are waiting to receive a legislation which pronounces legal recognition to honour killing. It still remains undefined and no such staunch preventive measure is being jotted down to protect estranged couples.

The delay in making such law a reality which observes the fundamental right to life, right to live with dignity and safety

an important bedrock for society fostering its healthy sustenance, it makes us to ponder what is causing such a delay. The probable equation is an equation of vote bank politics. It manifests “the appeasement of the most retrograde social forces such as those who lead the orthodox caste panchayats, supersedes the responsibility of those in government, or for that matter any who aspire to be in government, to protect the constitutional and democratic rights of citizens’.

To quote, Dr. B.R Ambedkar had said in the context of a discussion on inter-caste marriages; ‘Political tyranny and a reformer, who defies society, is a much more courageous man than a politician who defies government’.

These “patriarchal killings” with various reasons emanate from the same source - a sexist belief conforming an entitlement over women’s body as a property belonging to family, society but just not her. It’s violent implication is thus doomed to have a spiraling impact all across geography. The reality of shame killing needs to be widely understood in gendered language. International Human rights should be connected with land laws for a better and swift delivery of actions to prevent such crime.

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