

# The lost honor killing for false honor criminology essay



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An honor killing is the homicide of a member of a family or social group by other members, due to the belief of the perpetrators that the victim has brought dishonor upon the family or community. Honor killings are directed mostly against women and girls, but have been extended to men.

" Qays bin Asim, ancient leader of Banu Tamim is credited by some historians as the first to kill children on the basis of honor. It is recorded that he murdered all of his daughters to prevent them from ever causing him any kind of dishonor."

The perceived dishonor is normally the result of one of the following behaviors, or the suspicion of such behaviors: dressing in a manner unacceptable to the family or community, wanting to terminate or prevent an arranged marriage or desiring to marry by own choice, especially if to a member of a social group deemed inappropriate, engaging in heterosexual acts outside marriage and engaging in homosexual acts.

Human Rights Watch defines " honor killings" as follows:

Honor killings are acts of vengeance, usually death, committed by male family members against female family members, who are held to have brought dishonor 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 " dishonors" her family is sufficient to trigger an attack on her life.

Men can also be the victims of honor killings by members of the family of a woman with whom they are perceived to have an inappropriate relationship. The loose term "honor killing" applies to killing of both males and females in cultures that practice it.

Some women who bridge social divides, publicly engage other communities, or adopt some of the customs or the religion of an outside group may be attacked. In countries that receive immigration, some otherwise low-status immigrant men and boys have asserted their dominant patriarchal status by inflicting honor killings on women family members who have participated in public life, for example in feminist and integration politics.

## **Honor killing in India**

Terming love marriage as honor killing for families is a primitive thought. Even we talk about culture and tradition, then also just pick up the epic and you find that then also alliances happened only as love marriages. People here are just running after fake and rotten concepts, which actually have no meaning and gravity.

Recently, there has been a spate of honor killings in the country and this has led the government to decide what laws should be put in place to stop this heinous crime. More than 1, 000 young people in India have been done to death every year owing to 'Honor Killings' linked to forced marriages and the country needs to introduce stringent legislation to deal firmly with these heinous crimes. Supreme Court has said the government must explain what it is doing to prevent "honor killings". Taking note of the rise in "honor crimes", the Supreme Court demanded responses from the federal

government and state governments of Punjab, Haryana, Bihar, Uttar Pradesh, Rajasthan, Jharkhand, Himachal Pradesh and Madhya Pradesh.

Honor killing is the murder of any family member or social group member by other people due to the belief of perpetrators who feel that the murdered persons actions have brought dishonor upon the family or group. The loose term " honor killing" applies to killing of both males and females in cultures that practice it.

The most watched scenes of honor killing in our country are reflecting that this is a death that is awarded to a man or woman of the family for marrying against the parent's wishes, having extramarital and premarital relationships, marrying within the same gotra (Brahmins use gotra for deciding marriages) or outside one's caste or marrying a cousin from a different caste. In fact we have had a tradition of honor killing. This tradition was first 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 honor 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. And then 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 honor could be preserved and they were not declared social outcasts from their region. At that time, the influence of religion and social control was much greater and hence there were at least a couple of honor killings a day, if not more. The partition years can be seen to be the beginning of the tradition of honor killing on a large scale.

The misconception about honor killing is that this is a practice that is limited to the rural areas. The truth is that it is spread over such a large geographical area that we cannot isolate honor killings to rural areas only, though one has to admit that majority of the killings take place in the rural areas.

But it has also been seen recently that even the metropolitan cities like Delhi and Tamil Nadu are not safe from this crime because 5 honor killings were reported from Delhi and in Tamil Nadu; a daughter and son in law were killed due to marriage into the same gotra.

The second misconception regarding honor killing is that it has religious roots. Even if a woman commits adultery, there have to be four male witnesses with good behavior and reputation to validate the charge.

Furthermore only the State can carry out judicial punishments, but never an individual vigilante. So, we can clearly see that there is no religious backing or religious roots for this heinous crime.

## **Reasons of honor killing**

Sociologists believe that the reason why honor killings continue to take place is because of the continued rigidity of the caste system.

The fear of losing their caste status through which they gain many benefits makes them commit this heinous crime.

The other reason why honor killings are taking place is because the mentality of people has not changed and they just cannot accept that marriages can take place in the same gotra or outside one's caste.

The root of the cause for the increase in the number of honor killings is because the formal governance has not been able to reach the rural areas and as a result.

Thus, this practice continues though it should have been removed by now.

### **Honor killing in different states of India and communities**

Honor killings have been reported in northern regions of India, mainly in the Indian states of Uttarakhand, Punjab, Rajasthan, Haryana, Uttar Pradesh, as a result of people marrying without their family's acceptance, and sometimes for marrying outside their caste or religion. In contrast, honor killings are rare to non-existent in South India and the western Indian states of Maharashtra and Gujarat. In some other parts of India, notably West Bengal, honor killings ceased about a century ago, largely due to the activism and influence of reformists such as Vivekananda, Ramakrishna, Vidyasagar and Raja Ram Mohan Roy.

Among Rajputs, marriages with members of other castes can provoke the killing of the married couple and immediate family members. This form of honor killing is attributed to Rajput culture and traditional views on the perceived "purity" of a lineage.

The Indian state of Punjab has a large number of honor killings. According to data compiled by the Punjab Police, 34 honor killings were reported in the state between 2008 and 2010: 10 in 2008, 20 in 2009, and four in 2010.

Haryana and Uttarakhand are also notorious for incidents of honor killing, mainly in the upper caste of society, among rajputs and jaats. Bhagalpur in

the eastern Indian state of Bihar has also been notorious for honor killings. Recent cases include a 16-year-old girl, Imrana, from Bhojpur who was set on fire inside her house in a case of what the police called 'moral vigilantism'. The victim had screamed for help for about 20 minutes before neighbours arrived, only to find her smouldering body. She was admitted to a local hospital, where she later died from her injuries. In May 2008, Jayvirsingh Bhadodiya shot his daughter Vandana Bhadodiya and struck her on the head with an axe. In June 2010 some incidents were reported even from Delhi.

In a landmark judgment in March 2010, Karnal district court ordered the execution of five perpetrators of an honor killing in Kaithal, and imprisoning for life the khap (local caste-based council) chief who ordered the killings of Manoj Banwala (23) and Babli (19), a man and woman of the same clan who eloped and married in June 2007. Despite having been given police protection on court orders, they were kidnapped; their mutilated bodies were found a week later in an irrigation canal.

## **Fight against honor crimes: A tale of five girls**

### **Mukesh Malik 28**

Mukesh became eyesore of her family members when in 2006 she told about her wish for inter-caste marriage." I was 'jailed' in my own house for three months," she said. According to Mukesh, her parents did not like her idea for an inter-caste marriage. " Then, they started looking a boy of their choice for me but I preferred to leave the village," she added.

A degree holder in mass communication, Mukesh joined a vernacular for her livelihood. Though, after some time she left the job and started working for a

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woman organization, AIDWA. On March 29, 2011, she finally married a journalist, who is not from her caste.

### **Seema 25**

Seema's brother Manoj alongwith his wife Babli were killed for marrying in the same gotra. A constable in Haryana police, Seema alongwith her mother is fighting for justice in the courts against the killers. They are pitted against khap panchayats across the region and the political establishment. She is living under police protection.

### **Monika, 20**

Monika, a graduation student of a Sonipat college, was reportedly married to Gaurav Saini of Delhi in 2009. In the documentary, Gaurav tells about Monica's struggle to lead an independent life and the subsequent problems their marriage faced since they belonged to different castes.

### **Anjali Chahal, 24**

Anjali sees education as a way to break out of the arranged marriage and domestic life her family wants for her. Her M. Phil thesis, on honour crimes, is her answer to the voice of tradition.

" Despite the proliferating educational standards and economic prosperity, the society and I say the " civil society" including the niche, where I come from, justify the killings in the name of so-called " honor". My hunch is to unravel the underlying reasons and desires of the aggressiveness of this particular community in Haryana".



## **Geetika, 20**

Geetika, a student of Delhi University, directs a street play on "honour" crimes. She approaches the play keeping in mind her own need to question the belief systems she was heir to.

## **Legal**

Terming the practice of khap panchayats of handing down punishment to couples who go for 'sagotra' or inter-caste marriage as "flagrant violation" of the law, the Law Commission came up with a draft legislation which seeks to make such acts a non-bailable offence.

The Home Ministry had made proposal to amend Sec 300 of the IPC to define honour killing as separate crime. Out of 28 states, 18 have responded with Haryana opposing any such move and states like UP, Delhi and Rajasthan supporting the idea.

On 5 August 2010, in a Parliament session, Chidambaram proposed a bill that included "public stripping of women and externment of young couples from villages and any 'act which is humiliating will be punished with severity'"

There is also a proposal to amend the Evidence Act, Code of Criminal Procedure and the Special Marriage Act to check the menace of honour killing through a draft bill - The Indian Penal Code and Certain Other Laws (Amendment) Bill, 2010, government sources told PTI.

The law commission of India has said there is no need to alter the definition of murder under Section 300 of the Indian Penal Code (IPC) to deal with honour killings.

" The commission is prima facie of the view that there is no need for introducing a provision in Section 300 IPC in order to bring the so-called 'honour killings' within the ambit of this provision," the panel said in a consultation paper.

The motive behind killing a person does not furnish real justification to introduce a separate provision in Section 300. Probably, the addition of such a clause may create confusion and interpretational difficulties,

The panel was particularly concerned in view of the reported proposal to shift the onus of proof in such cases from the prosecution to the defence - i. e. the accused. This means the accused would be deemed guilty until he is able to prove his innocence during trial.

The panel, however, agreed that there was a need to deal with the problem. In what could preempt such offences, the panel suggested that unlawful assembly of people for taking action in case of marriages against the mandate of the society should be made an offence punishable under law.

In June 2010, scrutinizing the increasing number of honor killings, the Supreme Court of India issued notices to the Central Government and six states including Uttar Pradesh, Punjab, Haryana and Rajasthan to take preventive measures against honor killings.

Alarmed by the rise of honor killings, the Government planned to bring a bill in the Monsoon Session of Parliament July 2010 to provide for deterrent punishment for 'honor' killings

### **International aspect of honor killing**

It's worth mentioning here that Honor Killing is not specifically related to India only. This is a practice that continues to be prevailing in North and South America, Africa, Turkey and many other countries. But the thing that has to be kept in mind is that the number of incidents relating to this crime is very low and there is a very strict punishment for committing this crime in other countries.

Many women's groups in the Middle East and Southwest Asia suspect that more than 20, 000 women are killed each year.

Changing cultural and economic status of women has also been used to explain the occurrences of honor killings. Women in largely patriarchal cultures who have gained economic independence from their families go against their male-dominated culture. Some researchers argue that the shift towards greater responsibility for women and less for their fathers may cause their male family members to act in oppressive and sometimes violent manners in order to regain authority.

This change of culture can also be seen to have an effect in Western cultures such as Britain where honor killings often arise from women seeking greater independence and adopting seemingly Western values. For women who trace their ancestry back to the Middle East or South Asia, wearing clothes

that are considered Western, having a boyfriend, or refusing to accept an arranged marriage are all offenses that can and have led to an honor killing.

Countries where the law is interpreted to allow men to kill female relatives in a premeditated effort as well as for crimes of passions, in flagrante delicto in the act of committing adultery, include:

Haiti: Article 269 of the penal code states " in the case of adultery as provided for in Article 284, the murder by a husband of his wife and/or her partner, immediately upon discovering them in flagrante delicto in the conjugal abode, is to be pardoned."

Jordan: Part of article 340 of the Penal Code states that " he who discovers his wife or one of his female relatives committing adultery and kills, wounds, or injures one of them, is exempted from any penalty." This has twice been put forward for cancellation by the government, but was retained by the Lower House of the Parliament, in 2003: a year in which at least seven honor killings took place. Article 98 of the Penal Code is often cited alongside Article 340 in cases of honor killings. " Article 98 stipulates that a reduced sentence is applied to a person who kills another person in a 'fit of fury'".

Countries that allow men to kill female relatives in flagrante delicto (but without premeditation) include:

Syria: In 2009, Article 548 of the Syrian Law code was amended. Beforehand, the article waived any punishment for males who committed murder on a female family member for inappropriate sex acts. Article 548 states that " He who catches his wife or one of his ascendants, descendants or sister

committing adultery (flagrante delicto) or illegitimate sexual acts with another and he killed or injured one or both of them benefits from a reduced penalty, that should not be less than 2 years in prison in case of a killing."

Article 192 states that a judge may opt for reduced punishments (such as short-term imprisonment) if the killing was done with an honorable intent. In addition to this, Article 242 says that a judge may reduce a sentence for murders that were done in rage and caused by an illegal act committed by the victim.

Countries that allow husbands to kill only their wives in flagrante delicto (based upon the Napoleonic code) include:

Morocco: Revisions to Morocco's criminal code in 2003 helped improve women's legal status by eliminating unequal sentencing in adultery cases.

Article 418 of the penal code granted extenuating circumstances to a husband who kills, injures, or beats his wife and/or her partner, when catching them in flagrante delicto while committing adultery. While this article has not been repealed, the penalty for committing this crime is at least now the same for both genders.

In two Latin American countries, similar laws were struck down over the past two decades: according to human rights lawyer Julie Mertus " in Brazil, until 1991 wife killings were considered to be non-criminal 'honor killings'; in just one year, nearly eight hundred husbands killed their wives. Similarly, in Colombia, until 1980, a husband legally could kill his wife for committing adultery."

Countries where honor killing is not legal but is known to occur include:  
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Italy: Article 133 and 62 of the Italian Penal Code offer the possibility of reduced sentencing and punishment for crimes that occur within the offender's cultural norms. In the case of honor killings and other honor related crimes, these articles could possibly allow for honor killing offenders to justify the murder with claims that the killing was done because of cultural traditions. Italian Parliament member, Souad Sbai, suggested in 2010 that Italy amend these articles so that honor killings do not have extra protection under Italian law.

Turkey: In Turkey, persons found guilty of this crime are sentenced to life in prison. There are well documented cases, where Turkish courts have sentenced whole families to life imprisonment for an honor killing. The most recent was on January 13, 2009, where a Turkish Court sentenced five members of the same Kurdish family to life imprisonment for the honor killing of Naile Erdas, 16, who got pregnant as a result of rape.

Pakistan: Honor killings are known as karo kari. The practice is supposed to be prosecuted under ordinary killing, but in practice police and prosecutors often ignore it. Often a man must simply claim the killing was for his honor and he will go free. Nilofar Bakhtiar, advisor to Prime Minister Shaukat Aziz, stated that in 2003, as many as 1, 261 women were killed in honor killings. The Hudood Ordinances of Pakistan, enacted in 1979 by then ruler General Zia-ul-Haq, created laws that realigned Pakistani rule with Islamic law. The law had the effect of reducing the legal protections for women, especially regarding sex outside of the marriage. Women who made accusations of rape, after this law, were required to provide four male witnesses. If unable to do this, the alleged rape could not be prosecuted in the courts. Because <https://assignbuster.com/the-lost-honor-killing-for-false-honor-criminology-essay/>

the woman had admitted to sex outside of marriage, however, she could be punished for having sex outside of the marriage, a punishment that ranged from stoning to public lashing. This law made it that much more risky for women to come forward with accusations of rape. In 2006, the Women's Protection Bill amended these Hudood Ordinances by removing four male witnesses as a requirement for rape allegations. On December 8, 2004, under international and domestic pressure, Pakistan enacted a law that made honor killings punishable by a prison term of seven years, or by the death penalty in the most extreme cases. Women's rights organizations were, however, wary of this law as it stops short of outlawing the practice of allowing killers to buy their freedom by paying compensation to the victim's relatives. Women's rights groups claimed that in most cases it is the victim's immediate relatives who are the killers, so inherently the new law is just whitewash. It did not alter the provisions whereby the accused could negotiate pardon with the victim's family under the Islamic provisions. In March 2005 the Pakistani parliament rejected a bill which sought to strengthen the law against the practice of honor killing. However, the bill was brought up again, and in November 2006, it passed. It is doubtful whether or not the law would actually help women.

Egypt: A number of studies on honor crimes by The Centre of Islamic and Middle Eastern Law, at the School of Oriental and African Studies in London, includes one which reports on Egypt's legal system, noting a gender bias in favor of men in general, and notably article 17 of the Penal Code: judicial discretion to allow reduced punishment in certain circumstance, often used in honor killings case.

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## **Conclusion**

What can we do to prevent such a thing from happening? Firstly, the mentality of the people has to change. And when we say that the mentality has to change, we mean to say that parents should accept their children's wishes regarding marriage as it is they who have to lead a life with their life partners and if they are not satisfied with their life partner then they will lead a horrible married life which might even end in suicide. Parents might be right sometimes but killing own children in the name of honor doesn't leads to honor instead give birth to another crime. I would like to quote an example that if one cow is black in color, the other is brown, this one is white, another is black and white...yet the milk from all of them is white in color. All are different paths to one destination. We live in a Universe and not Multi-verse. The man god created was not supposed to be divided and the discrimination in any form is the lowest understanding of life.

Secondly, we need to have stricter laws to tackle these kinds of killings as this is a crime which cannot be pardoned because Humans do not have the right to write down death sentences of innocent fellow humans. Its alarming time and the need is to...

### **Stir our soul, arouse our mind, the truth is awakening.**

Is there any justification? Does our Hindu Religion support such brutal acts? Well, who cares for the Dharma! Honor killing is related more too social clout and less to the religion. What is the Indian government doing then? It is yet to get acquainted with the changing reality! Even if it becomes, nothing is going to happen. The government structure remains vulnerable to the whims



of power and muscles. What's the solution then? Honor killing is going to be in full swing. At last I would like to pray,

**Into that HEAVEN OF FREEDOM, my FATHER, let my country awake...**