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HONOR KILLING: AN OFFENCE AGAINST HUMAN BODY

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Abstract

Honor killing a gruesome and violent crime against human body. It may sound very strange but it is true that even in today's 21st century we hear such type of crime. "As per the latest data from the National Crime Records Bureau (NCRB), the number of honor killings reported in India was 25 each in 2019 and 2020, and 33 in 2021. But these figures are based on those reported, and the number could be much higher than mentioned."¹

There is not any specific and designated legislation or law related to Honor killing, but all such type of cases currently registered and falls under Indian Penal Code (IPC). Offence against human body under IPC deals currently deals with such type of crime mainly under the section 229 & 300 of IPC.

Such same full killing is against humanity. Such type of Killing takes place in the name of so called "honor" and "dignity".

Although honor killing cases are more prevalent in a few North Indian states, like Uttar Pradesh, Bihar, Rajasthan, Haryana, Jharkhand and Punjab, it is being increasingly reported in the South too, including Karnataka and Telangana.²

The below manuscript threw the light on the legal scenario of honor killing, its national and international framework, rights of the victims of honor killing as well as the steps taken Supreme Court of India to address this socio- legal issue.

¹ Ashwini M Sripad, "Killing honour in the name of honour killings" the New Indian Express, Sept. 4,2023.

² *Ibid.*

Introduction

Honor killing is one the form of killing a person by a person. Honor killing is one of the gruesome and crime against human body. Such killing take place in society when people thought their honor or dignity was harmed by the person from their own community. It generally takes place against women in many scenarios. Inter- caste marriage couples are mainly seen as the victim of such cases. Peoples from the queer's community (LGBTQ ++) also many times falls under a prey in name of honor killing.

Honor killing not only takes place in some of the Indian states but also in many parts of the world even in developed countries.

The report published by W.H.O which point out that "...In the UK and Sweden, research shows that social service and criminal justice systems have often characterized these murders as 'cultural traditions' rather than as extreme forms of violence against women. This attitude, and a general misunderstanding of the gender underpinnings of these crimes, has led to inadequate legal and social protection for girls and women who are under threat of crimes related to 'Honor' in these countries..."³

"There are an estimated 5000 murders in the name of 'honor' each year worldwide, although this is believed to be an underestimate. These killings occur mainly in parts of the Middle East and South Asia, but also among some migrant communities – for example, in Australia, Europe and North America. Studies have reported 'honor' killings being committed by use of firearms, axes and edged tools; through strangulation and stabbing; and by burning, forcing a woman to take poison or throwing her from a window."⁴

Legal scenario of honor killing

In India there is not any specific statue which deals with honor killing, but all such cases are currently tackle in IPC under the penal provision of murder and culpable homicide.

The law commission of India on his report on honor killing point out that "...The so-called 'honor killings' or 'honor crimes' are not peculiar to our country. It is an evil which haunts many other societies also. The belief that the victim has brought dishonor upon the family or the community

³ World Health Organization & Pan American Health Organization, Report on Understanding and addressing violence against women: femicide (World Health Organization, 2012).

⁴ *Ibid at 2.*

is the root cause of such violent crimes. Such violent crimes are directed especially against women. Men also become targets of attack by members of family of a woman with whom they are perceived to have an inappropriate relationship...”⁵

The supreme court of India also commented and give their judgements in many of the cases related to honor killing.

In Lata Singh case supreme court in his word said that “...We sometimes hear of “honor” killings of such persons who undergo inter-caste or inter- religious marriage of their own free will. There is nothing honorable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal-minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism...”⁶

There is also international legal framework on Honor Killing such as “The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly. Described as an international bill of rights for women, it was instituted on 3 September 1981 and has been ratified by 189 states. India is a signatory to the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW 1979) and has also ratified the convention. The provisions of CEDAW can be used to argue that the tradition and practice of punishing individuals for ill-informed ideas of dishonoring the family, is essentially institutionalized discrimination against individuals and creates a legally binding obligation for India, as a State party to the convention, to take all measures to end all forms of the practice of honor killing and ensure that all discrimination against women in matters relating to marriage and family relations are eliminated, providing them with the equal right to enter into marriage and to freely choose a spouse and to enter into marriage with their free and full consent”.⁷

Rights affected by Honor killing

Honor killing is also a gruesome killing of the fundamental rights of the person who become the victim of honor killing. Honor killing violates the right of life under Article 21 of the constitution of India which talks about right to life, personal liberty, dignity of the person, privacy and orientation.

⁵ Law Commission of India, 242nd Report on Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honor and Tradition): A Suggested Legal Framework (August, 2012).

⁶ *Lata Singh v. State of UP 2006 (5) SCC 475.*

⁷ Mr. Salim Khan, “Honor Killing - Current National and International Legal Framework” 11 IJRES, 228 (2023).

In the name of honor killing no one has a right to affect, violates and kill the rights of another person. Supreme court also in this regard said that “One may feel “My honor is my life” but that does not mean sustaining one’s honor at the cost of another. Freedom, independence, constitutional identity, individual choice and thought of a woman be a wife or sister or daughter or mother cannot be allowed to be curtailed definitely not by application of physical force or threat or mental cruelty in the name of his self-assumed honor. That apart, neither the family members nor the members of the collective have any right to assault the boy chosen by the girl. Her individual choice is her self-respect and creating dent in it is destroying her honor. And to impose so called brotherly or fatherly honor or class honor by eliminating her choice is a crime of extreme brutality, more so, when it is done under a guise. It is a vice, condemnable and deplorable perception of “honor”, comparable to medieval obsessive assertions.”⁸

Steps taken by the Court

Supreme court of India in Shakti Vahini case, also known as one of the landmark cases on honor killing held that “there needs to be preventive, remedial and punitive measures to tackle the case of Honor killing which were as following:

1. Preventive measure

- a) The State Governments should forthwith identify Districts, Sub-Divisions and/or Villages where instances of honor killing or assembly of Khap Panchayats have been reported in the recent past five years.
- b) The Secretary, Home Department of the concerned States shall issue directives/advisories to the Superintendent of Police of the concerned Districts for ensuring that the Officer In charge of the Police Stations of the identified areas are extra cautious if any instance of inter-caste or inter- religious marriage within their jurisdiction comes to their notice.
- c) If information about any proposed gathering of a Khap Panchayat comes to the knowledge of any police officer or any officer of the District Administration, he shall forthwith inform his immediate superior officer and also simultaneously intimate the jurisdictional Deputy Superintendent of Police and Superintendent of Police.
- d) On receiving such information, the Deputy Superintendent of Police (or such senior police officer as identified by the State Governments with respect to the

⁸ *Vikas Yadav vs State Of U.P AIR 2016 SC 4614.*

area/district) shall immediately interact with the members of the Khap Panchayat and impress upon them that convening of such meeting/gathering is not permissible in law and to eschew from going ahead with such a meeting.

2. Remedial Measures: -

- a) Despite the preventive measures taken by the State Police, if it comes to the notice of the local police that the Khap Panchayat has taken place and it has passed any diktat to take action against a couple/family of an inter-caste or inter-religious marriage, the jurisdictional police official shall cause to immediately lodge an F.I.R. under the appropriate provisions of the IPC including Sections 141, 143, 503 read with 506 of IPC.
- b) Upon registration of F.I.R., intimation shall be simultaneously given to the Superintendent of Police/ Deputy Superintendent of Police who, in turn, shall ensure that effective investigation of the crime.
- c) Immediate steps should be taken to provide security to the couple/family and, if necessary, to remove them to a safe house within the same district or elsewhere keeping in mind their safety and threat perception. The State Government may consider of establishing a safe house at each District Headquarter for that purpose.

3. Punitive Measures:

- a) Any failure by either the police or district officer/officials to comply with the aforesaid directions shall be considered as an act of deliberate negligence and/or misconduct for which departmental action must be taken under the service rules.
- b) The States to take disciplinary action the concerned officials if it is found such official(s) did not prevent the incident, despite having prior knowledge of it, or where the incident had already occurred, such official(s) did not promptly apprehend and institute criminal proceedings against the culprits.
- c) The State Governments shall create Special Cells in every District comprising of the Superintendent of Police, the District Social Welfare Officer to receive petitions/complaints of harassment of and threat to couples of inter-caste marriage.
- d) These Special Cells shall create a 24-hour helpline to receive and register such complaints and to provide necessary assistance/advice and protection to the couple.

- e) The criminal cases pertaining to honor killing or violence to the couple(s) shall be tried before the designated Court/Fast Track Court earmarked for that purpose. The trial to be concluded within six months from the date of taking cognizance of the offence.”⁹

Conclusion

Honor killing being a socio-legal issue which requires to be curb a grass route level. There must be a proper legal mechanism to deal with such type of issue. It requires to change the mind setup among such types of people who believe and promote such type of killing because it was seen that in many circumstances the family of the victim promotes honor killing. The social thinking needs to be change at rural and urban level. Awareness among the people about their legal rights if such type of scenario arises before them or came to their knowledge.



⁹ Sakti Vahini v. Union of India (2018) 7 SCC 192.