

**“Honor Killing”**

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**ABSTRACT**

Honor killing is done to save the honor of the family. But actually there is no honor in honor killing. Honor killing itself is a shameful activity and is a crime which is penalized under Indian Penal Code,1860. Honor killing is brutally murdering of a girl or a boy, whose activities consider to bring shame to the family according to family members but this is complete an inhuman activity done by family members. Honor killing is a barbaric and inhuman behavior. The threat of honor killing can lead to suicide also. Honor killing activities are curse to society. Everyone possess right to live their life in the way one wants, society should give up their old ideologies and inter- caste marriages, rape victims, LGBT people, divorced persons should not be looked upon as hate. Honor killings will only bring disaster to society and in return hampers the growth of society only. Honor killings should be completely abolished.

**OBJECTIVE**

The objective of research is to bring a specified law or act against honor killing and to justify the statement that “there is no honor in honor killing.”

**INTRODUCTION**

Honor means respect or prestige. As a verb honor means show high amount of respect. Killing means to deprive of life or put any living life to an end. Honor killing is also put a life to an end by the killing of relative especially a girl or woman, who is perceived to have brought dishonor to the family. Not only girls or women are subjected to honor killing but it include boys and men also. Honor killing is done to save the honor of the family. Honor killing is a murder of women or a men by their family members (closed relatives) and killers elaborate their actions by claiming that the victim has brought dishonor upon the family name or prestige.

In 21<sup>st</sup> century there is tremendous increase in honor killing cases. And it seems urge of time to make special acts or laws under which offenders should be penalized.

**FAMILY MEMBER PSYCHOLOGY**

Family members including relatives are of view that girls should be killed if they bring any type of dishonor to the family , as family is of view that what society will think of them and feel that their reputation is greatly ruined by the act of girl, which brings dishonor to family. Moreover,

when girls elopes from their home, when they are not ready to submit to arrange marriages, do inter-caste marriage, when divorced not ready to do second marriage, knowing that girl in their home is lesbian ( it happens in rarest of rare cases in India ), when raped, (instead of understanding and helping girls and women of family) all these activities treated as bringing dishonor to the family and girls or women of family are killed or one can say are murdered by their own family members brutally. Those include father, brother or any other relatives.

In honor killing even boys are murdered by their family members when family members are acknowledged with the fact that the boy in their home is guy or do inter-caste marriage or on the other hand possess the qualities or traits that women have i.e., transgender.

Family members instead of understanding the emotions and mental state of a girl or a boy, they directly take the above mentioned activities on their name and fame and without having words with them in deep-anger opt for the killing them. So, this need to be understood by family members that “there is no honor in honor killing.”

### **A SEPARATE HORROR – HONOR KILLING**

Honor killing is a separate horror in the society. The society is deeply moved and threatened by honor killings. Looking to present era honor killing possess tremendous increment day-to-day. It is causing great havoc in the society. Honor killing is not something that is appreciable moreover a acceptable behavior by society people. Honor killing in itself is a shameful activity. Whether in reality the honor of family is ruined or not by the act of a girl or a boy but when to protect honor just as a myth, girl or boy is killed, it definitely brings dishonor to the family.

#### **Case law: *M. Gopalan Vs. State Of Kerala*<sup>1</sup>**

In this case the kerala High Court held that if one marriage in inter-caste there is no honor in killing the girl or boy as such killings are nothing but stamp to barbarism.

### **EXTENT OF HONOR KILLING**

The incidence of honor killing is very difficult to define. Honor killing happens in almost every part of India but it happen with regularity in Haryana, Punjab and western Uttar Pradesh. The religion is no barrier, as honor killing not only prevails in Muslim community but it prevails in Sikh's and Hindu's too.

There is no national wide data is seen on prevalent of honor killing in India. But India Democratic Woman's Association quoted the figure according to which Punjab, Haryana and

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<sup>1</sup> 1961 CriLJ91

Uttar Pradesh account for 900 honor killings and rest of the world 100 to 300 honor killings in a year.<sup>2</sup>

### **NOT RESTRICTED TO RURAL AREAS ONLY**

Honor killing is a barbaric and a complete inhuman practice that should be completely stopped in India. Honor killing is not only restricted to rural areas but this evil is practiced in urban areas as well. Honor killing is a murder and no human on earth has right to take life of someone else or force someone to do something that one do not want to do. There should be proper defined punishments for such offenders who do or involve in doing honor killing. Honor killing is a serious issue which currently our country is facing at a large extent. It not a kind of activity which can be tolerated.

### **LAWS PRESENTLY ON HONOR KILLING**

There is no Special Law or Act exists presently that deals with “Honor Killing”. But some provisions of Indian Penal Code,1860 is applied that are as follows:-

#### **Section 299 to Section 304 of Indian Penal Code, 1860**

Under these sections punishment is imparted to person who is being guilty of murder and culpable homicide not amounting to murder. Punishment for culpable homicide not amounting to murder is imprisonment upto ten years and fine or both or it can be imprisonment for life. And the punishment for murder death sentence or imprisonment for life and shall also be liable to fine.

#### **Section 307 of Indian Penal Code, 1860**

Under this section person is punished for attempt to murder. Offender shall be punished for imprisonment of ten years and shall also be liable to fine and if hurt is caused to any person by act of offender shall be liable for imprisonment of life, or to such punishment as is hereinbefore mentioned.

#### **Section 308 of Indian Penal Code, 1860**

Under this section person is punished for attempt to commit culpable homicide. The offender shall be punished with the imprisonment which may extend to three years or with fine or with both and if hurt is caused to any person by the act of offender, shall be punished with the imprisonment which may extend to seven years or with fine or with both.

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<sup>2</sup> <https://timesofindia.indiatimes.com/india/More-than-1000-honour-killings-in-India-every-year-Experts/articleshow/6127338.cms>, 6:48 p.m., 17/07/18.

**Section 120A and B of Indian Penal Code,1860**

Under this section the person is punished when he/ she is party to any of the criminal conspiracy.

**Sections 107-116 of Indian Penal Code,1860**

Under these sections the person is punished for the abetment offences which include culpable homicide and murder.

**Section 34 and Section 35 of Indian Penal Code ,1860**

Under this section punishment is given for the acts done by several persons in furtherance of common intention.

**Section 300 of Indian Penal Code, 1860**

Introduce “fifthly” clause to Section 300 of IPC which at present defines “murder” under four categories. The additional definition would make khap-dictated honor killings a distinct offence and make all those who participate in the decision liable to be tried for the main charge, that is murder, and liable maximum penalty, death.<sup>3</sup>

**VIOLATION OF ARTICLE - 21 OF INDIAN CONSTITUTION****Article 21 of Indian Constitution,1950:-**

Protection of life and personal liberty – No person shall be deprived of his life or personal liberty except according to procedure established by law.

Which, clearly mean that every person has right to life and personal liberty. And one can live in a way one wants. Honor killing involves the violation of fundamental right too under Article 21 of Indian Constitution. As no person is authorized to take away life of someone . The victim can directly move to Supreme Court when his or her fundamental right is violated.

**WHETHER BILL TO BE PROPOSED IN PARLIAMENT?**

Yes, there is urgent need to propose bill in parliament, so that proper and special acts and laws can be made against honor killing. Looking to present scenario the defined and specified laws should be made for offenders who commit such offence. Legislature should make law against honor killing so that no one dares to commit such offence. Law made against honor killing should be properly defined including the activity of offender and punishments for such offences.

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<sup>3</sup> <https://indialawyers.wordpress.com/tag/honour-killings/> 7:56 p.m., 17/07/18.

Honor killing is a serious crime and victims of honor killing should be protected by law and offender should be penalized as per the offence committed.

### **METHODS OF HONOR KILLING**

Honor killing involves killing through brutally beating, stoning, burning, hanging, acid attacks, shooting, throat slashing, etc. in some cases murder is done in front of public at a large, so as to set an example and to warn other individuals within the community, so as the act is not repeated and if done the consequences will be honor killing.

### **REASONS OF HONOR KILLING**

The reason for honor killing is as follows:-

#### **1. Denial To Arrange Marriage:-**

When girl or boy denies for arrange marriage and opt for inter caste marriage they are brutally murdered by their family members. Family member gives excuse that it is necessary to do so as to save their families reputation.

#### **2. Want Divorce:-**

If a woman wants divorce or separation from her husband to which family did not agree and it is again a trigger for honor killing.

#### **3. Rumors and allegations:-**

If there is any allegation or rumors about girl, it is considered to tarnish the reputation of her family in community, it is again trigger to honor killing.

#### **4. Rape Victims:-**

Rape victims are also subjected to honor killing, although the victims are at no fault.

#### **5. Homosexuality:-**

Homosexuality is also the ground of honor killing. As society never accept the LGBT people. But the LGBT people are at no fault.

### **CONCLUSION**

One should understand that “**there is no honor in honor killing.**” Honor killing is a barbaric practice which should be completely stopped. The reason given by offenders for honor killing is vague. Legislature should make proper law or act against honor killing. Honor killing is shameful activity in itself. And the person who does honor killing should be penalized and

victims of honor killing should be protected. In some cases the fear of honor killing leads to attempt to suicide or suicide by the victim, which is very pitiful situation. Honor killing is threatening whole country, it is a separate horror and a proper law should be made regarding this.

Honor killing in today's era is seems to be growing and one of the fastest emerging crimes which need to be stopped as soon as possible. As, honor killing is causing great havoc and fear in the society.