

## “Honour Killing: A Legal Analysis”

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*“Honour killing, much like genocide, is a crime that few would want to be associated with. It tarnishes the image of a people, nation, country, religion and culture which allows it to happen.”*

Mojab,

*“An eye for an eye makes the world blind”*

Mahatma Gandhi

### **ABSTRACT**

*The quotes are proved by unjust and inhumane action of killing in the name of false pride. Honour killings or crime against humanity has risen to prominence in recent years and is a global phenomenon.*

*The punishments for cases obviously vary from society to society as per the nature and extent of the defiance and dishonour. Honour killing is the result of socio-psychological milieu of cynical societies where some acts of the behavior of human beings especially of the females are recognized as making dishonour to their families and communities and the lost honour is recovered by killings them. Honour killing is the homicide of a member of a family or social group by other members due to the perception of the*

*perpetrators that the victim has brought dishonour upon the family or community. The pseudo dishonour is generally the result of the unaccepted behaviors or the suspicion of such behaviors like desiring to terminate or prevent an arranged marriage or inter-caste marriage, inter-religion marriage, ‘sagotra’ marriage, desiring to marry by own choice or against the wishes of their family especially if to the member of a society deemed inappropriate, engaging in hetero-sexual acts outside marriage, adultery and engaging in homosexual acts etc. It is the menacing phenomena of repressive social practices in the name of honor triggering violent reaction from the influential members of community who are blind to individual autonomy. The ‘honour*

*killings' or 'honour crimes' are not peculiar to our country. It is an evil which haunts many other societies also and a global problem.*

*Honour killings, for whatever reason needs immediate attention. Law needs to be used as a weapon to curb social evil. What is needed is a firm decision by the government for a separate law. There is paucity of research studies in this area. The networking of the police, judiciary, government, NGOs, human rights activists, sociologists, social workers, and psychologists is to be done in order to mitigate this social evil. Honour killing cannot be accepted in the name of culture or tradition. Honour killing is unjust and inhumane action. It is crime against mankind. The paper analyses the menace of honour killing, causes and legal framework.*

## **HONOUR KILLING**

The Oxford Dictionary defines Honour killing as “the purposeful pre-planned murder, generally of a woman, by or at the command of members of her family stimulated by a belief that she has brought shame on the family. Human Rights Watch explains that “honour killings are acts of violence. i.e. murder committed by male

relatives against female members who are considered to have brought shame and dishonor upon the family.

Smt. Girija Vyas, The Chairperson of the National Commission for Women during preparing the draft of Bill named ‘The Prevention of Crimes in the Name of ‘Honour’ & Tradition Bill, 2010’ had considered honour killings as a violation of fundamental rights of the Constitution of India including the right to life and personal liberty (article 21) which in wider terms includes the right to bodily integrity, and the right to choose whom to associate with it. The acts of the family members to restrict her from exercising her choice also result in deprivations of her freedom to movement and expression.

An honor killing or pseudo pride killing or customary killing is a murder of a member of a family, due to the perpetrators' belief that the victim has brought shame upon the family or has violated the norms of a community or a religion usually for reasons as refusing to enter an arranged marriage, being in a relationship that is objected by the family, adultery, victim of rape, dressing in ways which are considered inappropriate,

endulging in non-heterosexual relations or renouncing faith.[1] These acts of violence are committed primarily against women who are considered to have brought shame on their family or community.

In India where everyone has right to speak and talk with anybody but usually in Indian villages also in the cities, when a girl talks with other unrelated male or has affairs then she can be killed by their own relatives in the name of their family honour because they perceive that it will hampered their honour and they safeguard it by killing their daughters and sisters. Most often the woman is killed by her father, brother or uncle or other community members and sometimes women of the family are usually also accompanying in these heinous killings. What an irony where the persons kill the most loved ones. We are living in 21<sup>st</sup> century still such kind of heinous crimes are persisting in our society. The honour crimes are not peculiar to our country but a global menace.

### **REASONS FOR HONOUR KILLING:**

The belief that the victim has brought dishonour upon the family or the community

is the root cause of such violent crimes. The dishonour can vary according to culture and rituals of the community and for different families. The perceived dishonour is normally the result of the behaviours unacceptable to the family/community; or wanting to terminate or prevent an arranged marriage, inter-caste marriages, inter-religion marriage, sagotra marriages or desiring to marry by own choice; or engaging in certain sexual acts, including those with the opposite or same sex, etc. 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. Changing cultural and economic status of women and the women going against their male dominated culture has been one of the causes of honour crimes.

Honour killings in some western cultures often arise from women aspiring more freedom and choosing their life style. In some cultures, honour killings are seen as less serious than other murders because they arise from long established cultural traditions and are thus considered appropriate or justifiable. An adulterous behaviour of woman or pre-marital relationship or

assertion of right to marry according to their choice, homosexuality, victims of rape, inter-caste/religion marriages are widely known causes for honour killings in most of the countries.

Also, the most obvious reason for this practice in India is rigid caste system. India's social system is based on a caste hierarchy. The large numbers of honour killings which sometimes go unreported happens by reason of inter-caste marriages. Honour Killings includes issues such as runaway marriages and relationships between people of different segments or castes. In many cases, the grooms or the brides have been killed for marrying someone from and in a lower caste. Particularly the situation is worst in the villages where laws never seem to reach and they continue to function on their own belief system. The problem in the villages is the strong presence of a *panchayat* or informal court. Many times, villagers give more importance to panchayat decisions. These are often referred to as 'legal *panchayat*'. In many villages, the leader of such Kangaroo court has so much power that the police are kept away from village politics. Sometimes even the police are not even informed. This is why there are so many unrecorded deaths.

Also in our country the society is mainly the patriarchal. Women are expected to conduct honorably. This notion gives legitimacy to all forms of social regulation of women's behaviour and to violence committed against them.

The other reason is the mentality of people that has not changed as patriarchy and rigid caste system attain the utmost position in the society. Marriages in Sagotra and inter-caste are prominent reasons particularly in northern India. Diktats asking girls not to wear jeans or carry mobiles are usually heard. [2]

The concept of family honor is extremely important in many Muslim communities and educationally and socially backward communities. The cultural values which lead to honor killings are complex. Honor killings involve violence and fear as a weapon of maintaining control and in such way take law in their own hands. In most of the cultures where honor is of pivotal value men are dominant settler of that honor and where the family's or clan's honor is considered to have been destroyed by a woman and it is felt that there is a need to restore it to save the family to avoid losing face in the community. Acts

by family members which may be considered inappropriate accordingly are considered as bringing shame to the family in the eyes of the community. Therefore, in order to protect the honour of the family the relatives use the evil practice to kill dishonored persons under the defence of culture.

According to the statement of Amnesty International 'The acts of honour is unforgiving, women on whom suspicion has fallen are not provided an opportunity to defend themselves and family members have no socially acceptable alternate but to wash the stain on their honour by attacking the cow woman. [3]

### **CASE OF INDIA:**

In India the cases of honour killings are increasing exponentially. This hike could be due to of more reporting of these crimes, which largely go unreported.

There is no special law to punish those who are evolved in such murders. Several efforts have been made to enact a separate law dealing with honour killings but no special provisions are enacted so far. [4]

Honor killings have been often reported in the northern regions of India, mainly in the

states

of Punjab, Rajasthan, Haryana and Uttar Pradesh, Bihar and Madhya Pradesh for the reason of people marrying against their family's acceptance, and sometimes for marrying outside their caste or religion. In contrast, honor killings are less prevalent in South India, Maharashtra and Gujarat. In some other parts of India, notably West Bengal, honor killings completely ceased about a century ago, largely due to the activism and influence of reformists such as Vivekananda, Ramakrishna, Vidyasagar and Raja Ram Mohan Roy. [5]

Haryana is notorious for incidents of honor killings mainly in among Rajputs and Jats. Honor killings have been common in villages of Haryana dominated by the lawless 'khap panchayats' as seen in various cases. The Indian state of Punjab also has a large number of honor killings. There is no official data on honour killings in India as it often go unrecorded or are passed off as suicide cases or natural deaths cases by the perpetrators involved.

In 1990, the National Commission for Women constituted a statutory body to address the issues of honor killings among

some North Indian ethnic groups. This body reviewed constitutional, legal and other provisions as well as challenges, the women face.

In June 2010, analysing the increasing number of honor killings, the Supreme Court of India demanded responses about honor killing prevention from the central government and the state governments of Punjab, Haryana, Bihar, Uttar Pradesh, Rajasthan, Jharkhand, Himachal Pradesh and Madhya Pradesh.[6]

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. According to the survey over 30% of the total honor killings in the country take place in Western Uttar Pradesh.[7]

### **LAWS PRESENTLY ON THE 'HONOUR KILLING'**

So far, there is no specific law to deal with this menace. The murders come under the general categories of homicide or manslaughter. Sometimes the honour killings are committed by a mob and then it becomes very difficult to pinpoint or trace a culprit. The collection of evidence becomes difficult

and tricky and eyewitnesses refrain to come forth. But 'Honour Killings' are against International Law on Human Rights and against United Nation agendas. Although, judiciary has taken the issue of honour killings seriously in absence of special law on the subject. Moreover, cognizance has been taken by the government to have a special law to be passed sooner.

### **INTERNATIONAL LAWS:**

Legislation on these issues varies in the countries. But today majority of countries no longer allow honor killings. "Honour killings" are considered violence against women in international human rights law because they violate rights to life and security of the person. International law obligates states to protect women from gender based violence, including by family members, and disqualify honour as a legal defence for acts of violence against women. 'Honour killings' are an extreme and brutal abuse of human rights, violating the most basic of human rights-the right to life as well the basic objects of the International Convention on Human Rights (1948) and also disregard of the International



Convention of Civil and Political Rights (1966). [8]

'Honour killings' also violate the Convention on the Elimination of All Forms of Discrimination against Women (1979).

**Article 1** of the Convention states that "The term 'discrimination against women' shall mean any distinction, exclusion, or restriction made on the basis of sex.

**Article 2** explains that "States Parties shall discourage discrimination against women in all forms through a policy framework for eliminating discrimination against women and for this purpose assures:

- To establish legal protection of rights of women equality basis and to ensure them through national tribunals and other public institutions.
- To take all required measures including statutes to modify or abolish existing laws, customs and practices which do discrimination against women;

- To repeal all regional penal provisions which discriminate against women;

The provisions of convention can be used as a weapon to assert that the traditions and practices of punishing individuals for malafide ideas of dishonoring the family and creates a legally binding mandate for India (as a State party to the convention) to take all necessary measures to curb all forms of acts and practices of honour killings.

It also ensures that all discrimination against women in matters relating to marriage and family relations are eliminated thereby providing them with the equal right to enter into marriage with their free and full consent as enumerated in Article 16 of the Indian Constitution. This is because some of the informal decision making bodies functioning on customary laws, such as khap panchayats, are refrained from enforcing their dictates, and intrusive with the right of individuals to choose their spouse.

**Universal Declaration of Human Rights, (UDHR 1948):** It affirms the principle of the inadmissibility of discrimination and inequity and proclaims that all individuals are born free and equal in dignity and rights

and freedom set fourth therein, devoid of any kind distinction including distinction based on sex. Prejudice and discrimination against women is an obstacle to their participation in the political, social economic and cultural life and hampers the growth and prosperity of society.

All crimes against honour, including honour killing are gross violations of the rights enumerated in the declaration. All human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set in the declaration irrespective of sex. Women are entitled to enjoy the “right to life, liberty and security of person” and also the “right to be free from torture or cruel, inhuman and or degrading treatment”. Therefore, Honour Killing violates Article 3 and 5 of the Declaration.

**International Convention on Economic, Social and Cultural Rights:** State Parties have to take all steps to ensure the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health”. Honour crimes that have sexual violence, physical or mental torture restrict the women to enjoy their rights of required standard of health. India, as a member

country is therefore legally bound to ensure that victims of honour crimes are able to avail the same.

**Beijing Platform for Action (BPFA 1995):**

It establish that the “human rights of women include their right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence”. The Beijing Platform for Action on Women’s Human Rights call upon States to “take urgent action to combat and eliminate violence against women, which is a human rights violation resulting from harmful traditional or customary practices, cultural prejudices and extremism”. Crimes of honour may involve the violation or abuse of a number of human rights which include the right to life, liberty and security of the person; the prohibition on torture or other cruel, inhuman, or humiliating treatment or punishment; the ban on slavery; the right to freedom from gender-based discrimination; the right to privacy; the right to marry; the right to be free from sexual abuse and exploitation; the obligation to amend customs that discriminate against women; and the right to an effective remedy.



Honour Killings are a clear violation of human rights and States necessarily need to protect individuals from such violations. Two major UN documents call for the 'elimination' of honour killing. The concept of elimination appears in the Declaration on the Elimination of Violence against Women (1993) and in Working towards the Elimination of Crimes against Women Committed in the Name of Honour (2003). But the culmination and eradication of any such practice like honour killing requires a stern intervention. Equality in gender relations has not yet been attained and violence still persists in the name of pseudo honour. This is due to the patriarchal system which is very insensitive. It has been rightly stated in the UN Declaration on the Elimination of Violence against Women: "Violence against women is a manifestation of historically unequal power relations between men and women, which have led to discrimination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men".

However, constitutional law and international provisions fail to tackle with this menace. It also fails to give justification as to why such a crime is rampant even in the contemporary times when there are abundant provisions for the protection of individuals. It is ponderable concern that even after the provisions of CEDAW and various human rights, the menace of killing in the name of honour continues in societies.

#### **LEGAL ASPECTS IN INDIA:**

The cases of honour crimes are admitted as homicide or manslaughter. But, due to the gravity of the killings, the courts look so called pseudo "honour killings" in the nature of heinous crime.

Justice VS Sirpurkar and Justice Deepak Verma said it wasn't a rarest of rare case. [9] "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. [10]

Now, Courts through various judgements had reiterated that honour crime is a violation of fundamental rights enshrined in the constitution of India and anyone going against to the supreme law shall be punished severely. The courts in India are leaving no stone unturned to prevent the heinous crimes of honour killing. Where legislature fails, judiciary enters. Many methods are devised to save couples from the wrath of honour killing. Young couples are approaching the High Courts under Section 482 of Code of Criminal Procedure seeking directions to the State government and the police authorities to protect their life and personal liberty and to provide adequate security.

In a landmark judgment, in 2010, the Karnal District Court ordered the execution of the 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 and Babli (two members of the same clan who eloped and married in June 2007

and later their mutilated bodies were found from an irrigation canal. In the verdict, district judge Vani Gopal Sharma said, "This court has gone through sleepless nights and tried to put itself in the shoes of the offenders. Khap panchayats have performed against the provision of Constitution and ridiculed it. They have considered as a law or "kangaroo courts" unto themselves. This case was first in Indian courts judgments that convicting khap panchayats and levy capital punishment in a honour killing case. The Indian media and legal experts hailed it as a "landmark judgment". [11]

In the famous murder case of Nitish Katara, Supreme Court held that 'murdering a man in cold blood in the guise of brotherly or fatherly honour, and thus dispelling a woman's choice of her life partner is a crime of extreme brutality. It said "honour was not the exclusive property of relatives who kill or assault the very man a girl in the family chooses to love". The judgment confirmed the prison sentence of 25 years without remission to Uttar Pradesh politician D.P. Yadav's son Vikas Yadav in the murder of young Nitish Katara and another accused Sukhdev Pehelwan a sentence of 20 years. [12]

In *U.P. v. Krishna master & Ors*, [13] SC 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. The bench considered it a rarest of rare cases and justified the lower court in imposing the capital punishment.

In *Bhagwan Das vs. State of Delhi*, the SC held that 'killings for whatever reasons, the cases fall within the ambit of rarest of rare cases and therefore deserve capital punishments. Time has come to wipe out these barbaric and feudal practices which are a slur on the nation. This is compulsory deterrent for such outrageous and uncivilized behaviors. All persons who are conspiring to perpetrate "honour killings" should understand that the gallows await them.

Also, in *Lata Singh Vs State of Uttar Pradesh and others*, [14] the SC held, "Honour killings are nothing but barbaric cold blooded murder and no honour is involved in such killings" and observed that "inter-caste and inter-religious marriages should be encouraged to strengthen the social fabric of the society."

In *Arumugam Servai vs. State of Tamil Nadu*, [15] the SC strongly condemned the practice

of *khap/katta panchayats* fortaking law into their own hands and indulging in offensive activities which endanger the personal lives of the persons marrying according to their choice.

In *Asha & Another v. State of Haryana & Others*, [16] the police officers were directed to deal sternly with persons who threaten such couples. Mediation cells were also ordered to be opened in the office of Commissioner or SSP to guide the parents, relatives and young couples. Gram panchayats were also ordered to be counseled. It was also directed that there should be publicity of the protection centers by issuing advertisements in the media. Legal service authorities were also directed to provide legal services to the needy couples.

Recently, Supreme Court had issued notice to the Central Government and nine states in the face of rising 'Honour Killings' across the country on a PIL filed by NGO- Shakti Vahini. The court asked for what steps are being taken to curb such violence. [17]

Thus it can be observed that in lack of any specific law on 'Honour killing' and in the light of the landmark judgements of Supreme

Court, it can be presumed that where there is 'rule of law', law does not rescue any person to kill anyone in the name of false honour of his family or clan.

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. The body reexamined the constitutional, legal and other provisions as well as challenges in way. The NCW's activism in India, has contributed significantly towards the reduction of honour killings cases particularly in rural areas of North India. [18]

#### **CONSTITUTIONAL PROVISIONS:**

Right to life means the right to live with dignity, right to livelihood, right to education and right to health and so on. However, the interpretation -through judgments does not particularly comprise the right to marry the girl or boy of one's own choice but it is implied that it is included that right to live with dignity corroborates the same. Killings in the name honour are plainly a violation of fundamental rights. So the perpetrators can be punished under the various articles of Constitution of India. "Honour killings" are the violation of the constitutional provisions

like articles 14, 15 (1) & (3) and 21 of the Constitution of India. Honour killing violates the women right to live, right to move freely, right to equality and right to security. Thus, honour killings can also be curbed with the constitutional provisions. As these are fundamental rights, a writ jurisdiction can be availed through article 32 of the Constitution in Supreme Court or through article 226 in the High Courts.

#### **INDIAN PENAL CODE PROVISIONS:**

In India, there is no specific law that deals exclusively with honour crimes and perpetrators. But following sections of IPC have provisions for the honour killings.

- Sections 299 to 304: provide penalties for murder and culpable homicide not amounting to murder. The punishment for murder may be life sentence, capital punishment and fine or both. The offence of "Honour killing" amounts to homicide and murder as the acts are done with the intention for murdering the victims for bringing shame to the family.
- Section 307: Penalises attempt to murder with imprisonment for up to 10 years and a fine. If a person is

hurt, the penalty can extend to life imprisonment.

- Section 308: Penalises attempt to commit culpable homicide by imprisonment for up to 3 years or with fine or with both.
- Sections 107-116: Penalises persons for abetment of offences including murder and culpable homicide.
- Section 120A and B: Penalises any person who is a party to a criminal conspiracy. It can be invoked against the khap panchayats as well as any other person who is a party to this criminal conspiracy.
- Section 34 and 35: Provides for criminal acts done by several persons in furtherance of common intention. Section 34 and 35 punish criminal acts, done by several persons like khap panchayats along with other perpetrators and family members of the victim, in furtherance of common intention.
- Honour killings might also fall under section 302 of IPC which deals with

criminal force intended to outrage the modesty of a woman.

- Section 141 and 149: defines and provide provisions of unlawful assembly much responsible for collective violence and can be used to punish the perpetrators.

#### **OTHER LAWS:**

- The Indian Majority Act of 1857 prevents the perpetrators from forceful separation of married couples who are of an eligible age to get married.
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 is useful as most honour killings take place owing to religion and caste. Protection of Human Right Act of 1993 is another effective act dealing with honour killings.
- The Indian Evidence Act of 1872 punishes all those who help concealing facts relevant to bring justice to the victims. This act is very useful since family members of the victim along with the community members led by the khap panchayats

conceal important evidences of the crime in order to avoid punishment.

- The Domestic Violence act of 2005 is effective in protecting women against any sort of violence on them within the family.

All India Democratic Women's Association (AIDWA) with reference to many women's organisations drafted "The Prevention of Crimes in the Name of Honour and Tradition Bill" and submitted it to the government in 2010. The bill provides the right to choose a partner for marriage and any act done to prevent the same would be deemed to be an offence under the given bill. Harassment of people exercising this right or inciting others to hurt or kill them would be an offence. The bill laid the burden of proof on the accused. It also has provisions specifying certain duties of the district administration.

In 2012, the Law Commission of India came up with its 242nd report along with "Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011". The Bill dealt with the unlawful assemblies to prevent marriages by choice. It suggested making the offence of honour killing non-bailable, non-

compoundable and cognizable. The District Magistrate had been assigned the responsibility of ensuring the safety of the targeted persons in an apprehended case of illegal decision taken by the khap panchayats or groups.

All these measures are still not sufficient to deal with the problem of honour killing. Although a fixed standard or a law is needed to keep any crime in control, the judicial precedents have till now helped to keep the rate of honour killings low and have created awareness about it.

### **CONCLUSION AND SUGGESTIONS:**

Honour killings are committed for saving the so called honour of the family. But there is no such honour in killing an innocent person. No culture or society has authority to kill any person on the basis of baseless perceptions of honour. The freedom of belief does not mean freedom to kill. Everyone has right to life with full dignity and equality.

Honour Killing, more a cultural practice than religious one, is secretly supported by society but openly discouraged and outlawed everywhere else. It is very unfortunate that the caste system in India has turned into a social evil for many. It is horrible that many



young people have lost their lives in the name of pseudo honour and there is a need to dilute this rigid belief system.

Hence active laws are the only panacea to such dishonourable practices. Thus, the scope and definition of the phrase 'honour killing' needs to be enlarged in the statute to include all acts which lead to elimination of the lives of people mostly by their own parents and relatives.

The central government should step in and ensure that the powerful and retrogressive khap panchayats are dealt with firmly and channelize their energy on other social problems of the society positively.

It is felt that there have to be a separate and stringent law to combat this evil from the society before it takes an ugly turn as per the recommendations of the Law Commissions as it is a Socio- Legal Issue.

It should be as:

- There is no special law on honor killing but to make our law more stringent on the issue of 'honour killing' amendment in the Section 300 IPC must be done by adding a new definition of 'Murder' in the form of 'Honour Killing'. The amendment

will make it suitable for the judiciary to classify the crimes of 'honour killings' and will help them in deciding the matters accordingly. Making it a separate offence would assist law enforcement agencies to be clearer on the issue.

- A new system of joint liability must be introduced in the case of honour killing. Normally there are groups involved for killings in the name of 'honour.'
- Also some amendments in the sections of Indian Evidence Act, 1872 are needed by which the 'burden of proof' can be transferred over the family members over whom the guilt of 'Honour Killing' had been bestowed on. By the amendment it will become easier to tackle those who commit in the name of honour.
- A special category of unlawful assembly having a different and stern punishment is suggested. It would apply to situations other than those contemplated by the present law. Every person participating in an unlawful assembly, shall be presumed to have also intended to commit or abet the commission of honour killing.
- There is an urgent need to implement the provisions of 242<sup>nd</sup> Report of Law

Commission of India within the ambit of honour killing.

- The law should aim at counteracting the misdirected power and domineering position of the caste /Community,*Panchayats* in so far as they act as centers of coercion and intimidation. Regard and respect for life, liberty and autonomy of persons need to be the larger focus and the perceived strength of such assemblies or combinations will have to be appropriately dealt with by law.
- The government is required to enforce strict measures to curb the menace of honour killings. There must be a ban on all decisions of these self-appointed courts or “Kangaroo Courts” in the villages. They have proved devil for many innocent lives.
- Strong legal and social mechanism is needed to effectively curb this socio-cultural practice rooted in superstition and authoritarianism. It must therefore address itself to various factors and dimensions .e.g. the nature and magnitude of the problem, the adequacy of existing law, and the wisdom in using penal and other measures of sanction to curb the power and conduct of caste combines. The law as it stands does

not act either as a deterrence or as a sobering influence on the caste combinations and assemblies who regard themselves as being outside the pale of law. The socio-cultural outlook of the members of caste councils or *Panchayats* is such that they have minimal or scant regard for individual liberty and autonomy. The largest social interests or community values cannot be judged by a handful of influential persons whose beliefs are grounded in superstition and dogmas totally opposed to constitution and the laws.

- That live-in relationship should also be included and the protection of the law secured for persons in such relationships. As of now, the marriage laws of our country do not cognize live-in relationships as a form of marriage. Unless a substantive law in the realm of marriage deals with that question comprehensively, it is not advisable at this point of time to bring in such relationships within the scope of the proposed law, whose object is to strike at the root of unwarranted interference and to generate important social perspectives on liberty rights and autonomy of individuals.

- It is also suggested that forced marriages by the wills of family members should also be brought within the ambit of the proposed law. The problem has a different dimension as because the members of “*Kangaroo courts*” and the like do not come into the picture there. They can be effectively taken care of within the ambit of general penal law and Child Marriages (Prohibition) Act.

- Counseling and awareness: Apart from legislation to effectively curb honour related crimes, it is equally important that the steps should be taken to organize counseling programmes particularly for the village communities, for instance to explain to them that “*Sagotra*” marriages are not opposed to law, religion or medical science. The spiritual or religious leaders or respected elderly persons like retired officials and political personalities, members of legal profession, teachers, etc., can be requested to address the gatherings and explain to them the real position and the need to shed superstition and abominable practices. Media too can play very useful role in shaping the mindset of the people concerned.

- Comprehensive programmes of public education should be established through all media including conventional mass media, the Internet, the school system, NGOs and community groups in order to destroy the culture of silence circling honour killings and to assist a change in the societal attitudes regarding its acceptability by women and men without any discrimination.

- A *comprehensive referral mechanism* to be established including police system, medical personnel, academicians, NGOs, religious leaders and community leaders and others to ensure that potential victims can be protected, and crimes be reported and perpetrators be brought to justice.

- Set up of special cells in each district has to be established so that couples can approach those cells for safety.

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