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HONOUR KILLING- Suhasini Tahiliani & Devanshi Jain¹**ABSTRACT**

"Hamare Ghar ki Izzat" is a succinct statement that expresses the heart of this heinous crime. "Honour killings," according to Human Rights Watch, are acts of violence, usually murder, committed by male family members against female family members who, in their judgement, have brought the family disgrace.

Every civilization and religion has its own set of customs and traditions that have been practiced for generations and have gradually become the norm. One such custom, which is most commonly maintained in Indian communities, is that a lady should marry according to her family members' wishes. She is not allowed to marry the man she loves or chose her own man. If she has the courage to reject all of these so-called "rules," she is accused of humiliating the family or "dishonouring" them in front of the entire community.

Some of the Reasons for honour killing include- Refusal to accept an arranged marriage, Getting a divorce, false allegations or gossip against family members, Homosexuality, Victims of rape.

The most obvious explanation for such crimes is patriarchal Indian society, in which women are expected to behave and conduct themselves in the same way as the men of the household. The caste system, which dates back centuries, is still in place and rigidly enforced. Because men are supposed to uphold all of society's norms and traditions and protect the family from dishonor/shame, they are given complete freedom to use violence against women, and in this case, to murder them, in rural areas, people still refuse to accept their children's choices for their own lives.

Honour killing is a crime committed to protect the honour of a family. However, it is past time for us to acknowledge that killing someone has no honour.

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INTRODUCTION

A woman married the love of her life against her family's desires. Under the pretence of relocating her, her relatives attempted to murder her on the way to her new home one day. On a night along the canal, they came to a halt and began firing bullets at her. After one bullet passed through her palm, they fired again, and this time the bullet clipped her cheek, putting her out. She was dumped in a canal. She didn't try to pull herself out till she felt the water and grabbed some weeds. Attempted murder and kidnapping charges have been filed against her father and uncle.

When her father was questioned, he claimed that he had done nothing wrong and that he was only attempting to protect his daughter from "dishonouring" the family and the community.

The victim in the scenario described above lived to tell her tale, but this is not always the case. Hundreds of thousands of women die every year as a result of "honour"-related violence and criminality. This brings us to the most important question we've been considering.

WHAT IS HONOUR?

Every civilization and religion has its own set of customs and traditions that have been practised for generations and have gradually become the norm. One such custom, which is most commonly maintained in Indian communities, is that a lady should marry according to her family members' wishes. She is not allowed to marry the man she loves or chose her own man. If she dares to reject all of these so-called "rules," she is accused of humiliating the family or "dishonouring" them in front of the entire community.

Family honour is now seen to be jeopardized not only when a woman opposes forced marriages, but also when she wants to come out and discuss her sexuality. Her family tries to kill or harm her regularly, forcing her to commit herself.

1. False allegations or gossip against family members: The victim may be the target of false charges or gossip from neighbours or other members of society. Regardless of whether the family members understood the truth, they would kill the member for the sake of their status and dignity. They believe that murdering the victim offers the victim's family more honour and prestige.

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2. Homosexuality: **Falling in love with someone of the same sex has become natural.** When a couple of the same sex wants to live together but their family or society resists, it leads to a chain of accusations and animosity among family members.
3. Victims of rape: Women are being raped in a society that should protect them. It is the family's job to welcome such victims in that situation, but the family sees it as a cause of shame, believing that the girl's life has passed her by and that she is completely useless to society and the family, and thus she will be murdered by them.

SITUATION IN INDIA AND OTHER NATIONS

Honour killings are nothing new or strange in any country, culture, or religion. It's been going on for decades, and society has always attempted to put an end to it. The violence was largely between men, but women were occasionally involved, all for the sake of honour. Men, on the other hand, were more likely to use it against women and children who were perceived to have harmed the family's reputation (honour).

In most Arab countries, the tradition may be traced back to pre-Islamic times. The Arabs had a tradition of burying newborn girls. In ancient Rome, the pater familias (eldest male family member) could execute a sexually active unmarried daughter or an adulterous wife. Adulterous wives and their lovers/partners were required to be killed under Jewish law in Medieval Europe (by stoning, in which the victim is subjected to blunt trauma until death).

In India, the Khap or Caste panchayats, a confederation of communities, has recently arisen as a quasi-judicial body that administers extreme punishments such as honour killings based on centuries-old standards.

HOW IS THE SOCIETY RESPONSIBLE FOR SUCH?

The most obvious explanation for such crimes is patriarchal Indian society, in which women are expected to behave and conduct themselves in the same way as the men of the household. The caste system, which dates back centuries, is still in place and rigidly enforced. Because men are supposed to uphold all of society's norms and traditions and protect the family from

dishonour/shame, they are given complete freedom to use violence against women, and in this case, to murder them, in rural areas, people still refuse to accept their children's choices for their own lives.

People's thinking is a crucial cause in this heinous crime, as they refuse to recognise that their children can marry according to their inclinations, whether within or beyond their caste or religion. It is not always about caste or religion; in other situations, families murder members of their own family just because they do not want to be affiliated with love marriage. Their so-called "izzat" reduces when their daughters marry according to their inclinations. They put their izzat load on their daughter's shoulders.

The presence of a khap panchayat might also lead to honour crimes. Khap panchayat judgements have an impact on women's personal choices, such as how they dress and who they marry. As a result of khap judgments, young girls are threatened, killed, and even forced to commit suicide. There is no discussion of women's rights in these khap-ruled areas.

THE LEGAL ASPECT

In India, there is currently no formal law against honour killings. The Prevention of Crimes in the Name of Honour and Tradition Bill, presented in 2010, is presently inert in Parliament. However, judicial precedents and other established standards that consider such conduct to be unacceptable could be utilised to evaluate the judiciary, executive, and legislature's positions in such situations.

Articles 14, 15, 15(1), 15(3), 19, and 21 of the Indian Constitution have all been violated as a result of this offence.

Articles 14 and 15 of the Indian Constitution deal with equality before the law and equal rights before the law, which indicates that every Indian citizen shall be treated similarly, regardless of caste, sex, creed, race, or other characteristics. Women, on the other hand, are slain in honour killings, which is a kind of gender violence.

The Indian Constitution's Articles 19 and 21 deal with the right to freedom and the right to life and personal liberty, respectively. In the case of honour killings, the right to life is violated. No one can infringe on a citizen's right to choose their route in life, and no one has the authority to

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compel a citizen to act in conformity with the views of others. Every citizen has the right to life and liberty, which is the most important fundamental right. No one has the power to take someone's life. People are created by God, and only he can take away their lives. When a citizen's right to life and liberty to live is violated by an honour killing, the citizen's right to life and liberty to live is violated.

Article 21 of the Indian Constitution of 1950 guarantees the freedom to marry whoever one chooses. Furthermore, in *Lata Singh v. State of Uttar Pradesh*, the Supreme Court stated that because India is a free and democratic society, once a person reaches the age of majority, he or she has the freedom to marry whoever they want.

According to Section 3 of the Hindu Marriage Act of 1857, every person becomes a major when they attain the age of 18. The Act was eventually altered by the Supreme Court, which stated that all citizens must reach the age of majority at the age of 21. The Hindu Marriage Act gives every individual the opportunity to pick their life spouse once they attain the age of majority

In India, honour killings are currently governed by the Indian Penal Code. The punishments for murder and culpable homicide that is not equal to murder are dealt with in sections 299 to 304. Depending on the seriousness of the offence, a person found guilty of murder may face the death penalty, a life sentence, or a fine.

Acts like the Protection of Human Rights Act of 1993 (enacted to prevent human rights violations), the National Legal Services Authority (established under the Legal Services Authority Act of 1987 to provide free and prompt legal services to the poorer sections of society), and the Special Marriage Act of 1954 (enacted to prevent atrocities arising from marriages in India) are examples.

LANDMARK CASE

Smt. Chandrapati vs the State Of Haryana And Others on 27 May 2011²

Manoj and Babli were killed in the incident. They had fallen in love and hence eloped and married each other. When the family found out, they were furious and set out to find the victims.

²Smt. Chandrapati vs State Of Haryana And Others on 27 May, 2011

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The family took the case to the khap panchayat, which first decided that everyone who came into contact with the victim would be fined 25,000 and that no one should approach them. The family had located them and submitted them to the Khap panchayat, which was also against the marriage. Because the two victims were from different castes, they ruled against the victim. A religious-caste-based decision was made for the good of society.

To safeguard the family's honour, the Khap panchayat was also implicated as a suspect in the victim's murder. Babli's relatives were involved in the murder since his grandfather was the khap commander. Regardless, the victims were kidnapped and slaughtered.

CONCLUSION

Honour killing is a crime committed to protecting the honour of a family. However, it is past time for us to acknowledge that killing someone has no honour. Because culture and religion are both open-ended, and we humans tend to misinterpret both, they should not be used as explanations for such atrocities. The right to practise one's religion does not imply the right to kill. As a result, the term "honour" should, in my opinion, be redefined to resist this evil, which can be accomplished by:

- Stringent legal backing: While such homicides can be made illegal under a variety of different laws, it is important to note that such laws simply give umbrella rights and that a strict particular codified rule is required to prevent society and punish the true perpetrators of such horrible crimes.³
- More awareness: Honour killings are most common in rural regions, and the victim is almost invariably a female who is uninformed of her rights due to her lack of access to education. As a result, they are afraid to retaliate since they perceive it as a penalty for their wrongdoings.
- Social Reforms: Atrocities like these are embedded in people's minds. Marriages between different castes are still frowned upon. Change in society is inevitable as time passes. Furthermore, people should not be afraid of social ramifications if they report such instances because it is only then that the problem will be addressed.

³www.legalserviceindia.com
www.latestlaws.com
https://en.wikipedia.org/wiki/Manoj%E2%80%93Babli_honour_killing_case

