

## **Honour killing as crime Against Women; its causes and remedies with reference to Tamilnadu**

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### **Introduction**

Violence against women is an inevitable practice from the society. Women are subject to male oppression and domination throughout the human civilization. Whenever a woman acts as an independent or goes against the family decision, it is considered that the woman has dishonoured the family. So, it becomes the solemn duty for the family members to teach her a lesson by killing her to protect the so called family honour. This brutal act of killing is called 'honour killing'. Generally the term 'honour killing' means the killing of a relative, especially a girl or woman, who is thought to have brought dishonour on the family. United Nations defines 'honour killing' as "the murder of a woman by a close family member or partner as a result of (suspected or alleged) shame being brought on a family by the action (a suspicion or allegation will be enough) of the woman".

The usage of the term "honour" has a tendency to justify and legalize the motive of the crime by creating a false notion that the crime has been committed to save the honour of the family. This implies that it is the responsibility of the society to prevent any damages of its traditions. Amnesty International stated the concept of honour killing as "The regime of honour is unforgiving; women on whom distrust has fallen are not given an chance to defend themselves, and family members have no socially acceptable alternative but to remove the stain on their "honour" by attacking the women." In Lata Singh vs State of U.P.(2006)SCC475) the Supreme Court stated that "There is nothing honourable in honour killings and they are wholly illegal". Thus the term honour along with killing a contradiction and misleading. In India the term honour is more complicated with caste. The women activists using the term honour killing as crime of honour and it's a form of

violence against women. Besides making killings and abuse of women, this crime is related with the uniqueness of Indian culture and patriarchal practices

. Out of the various forms of domestic violence which is taking place across the world, honor killing is at the top of the list. It is defined as a murder, particularly of a woman, who is involved in immoral act, and dishonor the status of a family through unaccepted acts and deeds (Roberts, Campbell and Lloyd, 2013). This unlawful practice (Habib et al, 2013) is mostly attached to females, where the family members kill the victim over unethical charges (Haviland et al, 2013).

The United Nations estimated that nearly 5000 persons killed by honour every year world wide .In India around 900 reported honour killings in north India and 200-300 from rest of the state According to the official statistics of the International organization, around one thousand women are killed each year in this male dominant society (Daily Times, 2014) over the issue of honor killing. Cultural and laws are set by forefathers. The human cannot act outside this law ,if they act against this law ,severe punishment is verdict for them. Few of the traditional laws and rituals are morally and philosophically acceptable, while the others are outdated and irrational to practice these days, yet society cannot rationalize its due to ignorance and cultural dominance.(Swadzaba2011)Women are always kept in shades and the decision are never valued. Violence against women was symbolized as the act of dominant people. It affects women from all kinds of backgrounds. This invasive issue continuous to increase the number of victims who due to the subject of fear and social pressure, always kept themselves quite.([www.womenshealth.gov/violence-against-women](http://www.womenshealth.gov/violence-against-women))

### **Objectives:**

- 1.To find out the causes of honour killing which is deep rooted in different social structure
2. To provide suggestive measures that may be adopted to prevent this social hazard .

### **Cause for honour killing**

#### Religion and Caste system

Every religion and caste has its own unique philosophies and practices. Religions have its own sset of personal laws which regulate and control the affairs of marriage,divorce,maintenance,adoption,guardianship,succession,and inheritance. People have the affinity to rgard and respect only their own customs and rituals as correct and valid .In Tamil Nadu

the caste system is very rigid and despite our 73 years of independence and lot of constitutional as well as legal measures, discrimination on caste basis continues. Caste remains one of the most important practice governing the lives of people especially in rural areas and inter-caste marriages are looked down upon with contempt. Thus if any women dares to go against the wishes of her family ,caste or religion by choosing a partner outside of her social group or within the prohibited gotras,she is considered as dishonored the family and the family's esteem takes a beating in the society .The family members fearing removal or kicking out from the caste or social boycott are forced to punish the women in order to restore the family honour. As repositories of community honour, women are subjected to brutal killings as a punishment and as a deterrent for other women.

### Warped Notions of Traditions

Honor killings represent the most overt and brutal method of subjecting women to male control and subordination. The origin of this problem can be traced back to occurrences of voluntary killing of unmarried daughters and wives during turbulent times such as war, partition etc to save them from being violated. Since childhood, girls are subjected to restrictions in matters of dressing, movement and behaviour. All this is done to inculcate in them a sense of submissive to the other gender and submit to male dominance. It is a common experience that if the sister or daughter commits something unusual and socially unacceptable such as having a love affair or eloping with a boy of her choice, the society holds the father or brother responsible for not reining in the girl and allowing such a social wrong to occur. Such men caught in a social warp feel the pressure of being the upholders or custodians of traditions and the feeling is that the dishonour once brought upon the family cannot be undone unless the source of dishonour is destroyed which means killing of one's own sister or daughter and sometimes the boy with whom she was involved.

### Property Issues

Another issue underlying these horrible killings is property. Nowadays people want their daughters to be educated and independent yet submit to male dominance within the familial sphere. Educated women have acquired more mobility in the society. This allows them to meet and interact with more men with whom they sometimes strike a friendship. When an educated and liberated female, driven by a new found confidence and ambition chooses her partner in defiance of the social norms, she is giving a subtle yet clear message that she has an equal status in the society and has autonomy

over her body and life. This declaration of independence is perceived as a potential threat that she may either herself, or with support from her partner, seek an equal share in the family's property which the law entitles her to but which she is rarely accorded. Even after the 2005 amendments in the Hindu succession Act, giving equal share to girls in the ancestral property, women seldom stake a claim to their share. Traditionally, when marriage takes place within an intimate circle, property rights are usually foregone. The hidden threat that the woman may stake a claim to the property assumes importance especially among poor, uneducated youth who are dependent on land. This eventually leads to an overriding sentiment that the evil is to rush in the bud itself and this is manifested in the killing of such women.

### Role of Khap Panchayats

The term 'Khap' refers to a socio-political group. Khap panchayats are informal institutions for conflict resolution engaged in dispensing social justice based on customary practices and old traditions. Disputes were resolved within the village or group of villages by the village elders known as panches. The traditional role of such groups was to affect compromises and settlements among people and to maintain the sanctity and honour of the rural societies which they regulated. Those guilty of illegal or immoral acts were reprimanded, asked to compensate the other party or leave the village. Sometimes the guilty person or his family unit would be isolated from the rest of the community. This served to settle petty disputes over trivial issues which otherwise would snowball into major controversies and both the parties would be subjected to unnecessary wastage of time and money in the judicial process. In recent times these Khaps have attracted criticism for overstepping their power and jurisdiction and the media has reported that some Khaps have reinforced caste based hierarchies by ordering illegal punishments for those declared as culprits by these panchayats or their family members. In the case of *Arumugam Servai v. State of Tamil Nadu*, (2011) 6 SCC 405 on the honour killings being reported across India a Supreme Court bench comprising of Justice Markandey Katju and Justice Gyan Sudha Mishra stated that, "In recent years 'Khap Panchayats' (known as kata panchayats in Tamil Nadu) often decree or encourage honour killings or other murders in an institutionalized way on men and women of different castes and religion, who wish to get married or have been married, or interfere with the personal lives of the people. We are of the opinion that this is wholly illegal and has to be ruthlessly stamped out. Atrocities in respect of personal lives of people committed by brutal, feudal minded-persons

deserve harsh punishment. Only in this way can we stamp out such acts of barbarism and feudal mentality. Moreover, these acts take the law into their own hands, and amount to kangaroo courts, which are wholly illegal". The Court issued directions to the administrative and police officials to take strong measures to prevent such atrocious acts. The court said that in the event of such an incident taking place, the State should immediately institute criminal proceedings against those responsible for such atrocities and also suspend the District Magistrate, Collector, Police Superintendent and the Senior Superintendent of Police of the district as well as other officials concerned and charge sheet them and proceed against them departmentally if they are proven to have not taken appropriate steps to prevent the incident if they had prior information regarding the same or if they failed to apprehend the guilty persons promptly and institute criminal proceedings against them. In such cases the concerned officials would be presumed to be directly or indirectly accountable in this connection. The court directed that copies of this judgment shall be sent to all Chief Secretaries, Home Secretaries and Director Generals of Police in all the States and Union Territories of India, along with the direction that it should be circulated to all officers up to the level of District Magistrates and Superintendent of Police for strict compliance.

### **Measures to prevent honour killing**

The government should increase the marriage assistant incentive to inter-caste marriage involving a dalit. The constitution of India has great provisions which allow an individual to exercise his or her choice independent of caste, religion or gender and protection from honour related crimes. Honour killings are cases of homicide and murder which are grave crimes under the IPC Section 299 and 301 of the IPC deal with culpable homicide not amounting to murder while Section 300 deals with murder. The Protection of Human Rights Commission (Amendment) Act 2006 makes the provision for protection of individuals rights of human beings. The Protection of Women from Domestic Violence Act 2005 provide more effective protection to women. Universal Declaration of Human Rights affirms the principle of inadmissibility of discrimination and inequality and proclaims that all individuals are born free equal in dignity and rights and freedom set forth therein, devoid of distinction of any kind including distinction based on sex,

The supreme court has issued preventive steps to combat honour killing.

The State Governments should forthwith identify districts ,subdivisions and villages where instances of honour killing or assembly of khap panchayats have been reported in the recent past ,e.g, the last five years.

### **Conclusion**

A woman can never be considered as property of man or family in a civilized society and has free will to choose her life the way she wants to live. Human dignity and autonomy are absolute values and shall never be violated at any cost. It is context it is expected from the government to focus on such programmes and projects which help in gender equity.

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