



HORRORS THAT COME WITH HONOUR

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ABSTRACT

Honour killings, also known as shame killings, occur when someone kills a person—a stranger or a family member—in an effort to preserve their own or their family’s honour and dignity after believing the victim has damaged their reputation. For ages, women have been the victim of patriarchy and misogyny and this hasn’t changed even in the 21st century despite all the awareness being spread. Honour killings are the most heinous of crimes against women and it is not of nascent origin. Its origin is in the desert tribes where the elder males were responsible for protecting the honour of the family by keeping the female members in check. From time to time, we hear about incidents of honour killings from different parts of the world. These incidents are not confined to a certain geographical area; they can happen anywhere. Violence against women in every form is condoned by everyone which has led to the formulation of certain laws which aim at protecting vulnerable women against violence at home, public places and workplaces. Even international organizations have taken the initiative to formulate such laws. Everyone must band together to defeat this evil and completely remove it.

KEYWORDS

Honour Killing, Violence against women, MENA Countries, Mukhtar Mai, Jirga, Khap panchayat, Indian and International laws

“Violence against women is perhaps the most shameful human rights violation, and it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace.” – Kofi Annan

INTRODUCTION

Honour killing, also known as customary killing or shame killing is the murder of a person who is seen to bring so much shame to their family and is thought to undermine their reputation and dignity that it is thought better to kill them than to let them live as a member of their respective family or community. Most of the time, it is the members of their own family or community to which they belong that carry out these murders. The majority of the victims of honour killings are females. Men are also the subject of these crimes and generally, their crime is that of homosexuality.

According to Human Rights Watch - “Honor crimes are acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonour upon the family. A woman can be targeted by her family for a variety of reasons including, refusing to enter into an arranged marriage, being the

victim of a sexual assault, seeking a divorce—even from an abusive husband—or committing adultery. The mere perception that a woman has acted in a manner to bring "dishonour" to the family is sufficient to trigger an attack.”

REASON

The reasons for these killings can range from interacting with people of the opposite sex, refusing to have an arranged marriage fixed by the family, seeking divorce even from an abusive husband, having pre-marital sex or an extra-marital affair to any such behaviour that is deemed to bring shame and tarnish the honour of the family or the community. Even victims of sexual abuse- something they did not consent to are killed in the name of honour. Any such behaviour that the community thinks to be inappropriate is enough to initiate assault.

Several methods are adopted to carry out the murders. These include- stoning to death, slitting throats of the accused, hanging, poisoning the victim, shooting and much more. In almost every case, before their deaths, these poor individuals are subjected to immense torture.

ORIGIN

Killing in the name of protecting the honour of the family is not something new. This tradition has been followed throughout history, especially in the desert tribes. It is a tribal concept where the eldest male of the family is responsible for keeping the women of the family in check and the women are the representative of the family's honour. Any adulterous behaviour on the part of the woman is punished so that the dignity and respect of the family are not compromised.

Honour killings are a heinous crime which solidifies the fact that to some communities, the lives of women are disposable and they are valued so little that killing them doesn't affect their conscience. It demonstrates the screwed mentality of such people who think they are rightfully in control of the lives of their female relatives and are in the position to hold them accountable and even punish them for their wrongdoing.

According to the data, most of the cases are recorded in the MENA (Middle East and North Africa) countries, the Indian subcontinent and even in immigrant countries. In India, honour killings are not new to the rural areas, with cases mostly being reported from Haryana, Rajasthan and Uttar Pradesh. Urban areas in India are not unfamiliar with such cases. From time to time we hear of such cases from the urbanized areas of India including our national capital Delhi and the southern states of Kerala and Tamil Nadu.

Local tribal meetings popularly known as jirgas (in Pakistan) and khap panchayats (in India), have a significant role in approving the verdicts that justify the executions. These have been discussed below.

JIRGA AND KHAP PANCHAYAT

In tribal communities, patriarchy is rampant and women are denied the opportunity to voice their ideas. Due to the widespread discrimination against them, women are so unaware of their legal rights, seriously impeding their overall development, including their psychological, emotional and behavioural development. This stops them from realizing their full potential. Tribal meetings are held to discuss the matters of the community at large and it is in these meetings where the orders of honour killings are given.

JIRGA

A jirga, according to Merriam-Webster, is a council of Afghan tribal leaders. It has its roots in the Pashto language, probably of Mongol origin like the Persian jarga, circle of men or beasts.

KHAP PANCHAYAT

A Khap is a community organisation representing a clan or a group of North Indian castes or clans. A Khap Panchayat is an assembly of elder members of the khap, mostly male-dominated. They govern the local tribal areas and handle their law and order situation. Despite lacking any government recognition or authority, a Khap Panchayat can have a

big social impact on the community it serves. They are found in Indian rural areas, especially in Haryana, Rajasthan and western Uttar Pradesh.

KHOISTAN VIDEO SCANDAL

A chilling case of honour killing of up to five girls in the Palas Valley, Kohistan, Pakistan, sent shockwaves across the world in 2012. The sole crime of the murdered girls was that they were singing and clapping while in the presence of two boys, one of them was dancing and the other was recording the video. This incident allegedly took place at a wedding. The said video spread rapidly among the community.

A jirga was conducted in said case and the judgement was given ordering to kill the four women and the two men in the video. Order to kill a fifth girl who wasn't even seen in the video was also given. The girls were arrested and kept in confinement and isolated from the rest of the village.

Afzal Kohistani, the elder brother of the two boys involved, raised his voice against this dictate. He claimed that the girls were being tortured and eventually, killed. He fought bravely against the members of his tribe and demanded justice for the girls and his brothers until eventually he was killed by unidentified men outside the court premises in 2019.

Emphasis should be laid on the mentality of the people. In a documentary available on YouTube, the community members can be heard justifying the killing. They believe that if such acts of intermingling with the opposite gender are permitted, it will ruin the environment of their tribe and would lead to women being an embarrassment to their families. Such decisions are justified on the ground as it would be a lesson to other girls to not act in a manner which displeases the men of the community.

MUKHTAR MAI CASE

The tribal council (jirga) of Mukhtar Mai, a rural Pakistani lady from a distant area of Punjab, ordered her to be gang-raped in 2002 as retaliation for her younger brother's supposed affair with women from a different clan.

This was a case of honour revenge. Even after the rape, Mukhtar Mai faced many challenges from her tribe and even the government of Pakistan. Despite every hardship, she faced them bravely. She didn't commit suicide, as was expected from her after suffering so much. She rose above her issues and became an inspiration for women all over Pakistan who went through similar things.

"I thought better than die, I do something. I should fight. It's easy to die. Why don't I do the more difficult thing?"- Mukhtar Mai

LEGAL ASPECT

INDIA

As of now, honour killings are not specifically covered under any law in India. The killing falls into one of two broad categories: manslaughter or homicide. Occasionally, mobs are also responsible for honour killings and in such cases, it becomes difficult to identify the perpetrators of such crimes. Gathering evidence becomes challenging and eyewitnesses are hardly cooperative. Legislations and articles covering honour killings in India are as follows:

- In an attempt to lower the number of honour killing offences, the Protection from Lynching Bill was introduced in Parliament, however, it is presently dormant.
- Judicial precedents and other written regulations that denigrate similar acts can be used to analyse the position of the bar, superintendent, and council in comparable circumstances. A few examples are:
 - (i) Manoj Babli Case- The Punjab and Haryana High Courts in their decision said, "Khap panchayats have operated in defiance of the Constitution, mocked it, and turned into their law. The court also stated that an adult who wants to marry someone from another caste or group is not prohibited by law and that all honour crimes committed on this basis are illegal and will be treated harshly.

(ii) Shakti Vahini v. Union of India (2008)- The Supreme Court ruled that a daughter, sister, or son's human rights "are not mortgaged to the so-called or so understood honour of family, clan or the collective." The Supreme Court reaffirmed/restated the right to choose a life partner as a fundamental right; family, community, or clan agreement is not required for marriage between two people. "When two adults choose each other as life partners consensually, it is a manifestation of their choice recognised under Articles 19 and 21 of the Constitution," the Supreme Court ruled.

- Article 14 deals with the right to equality. Honour killings are more prevalent in rural areas where tribal laws are followed and the value of women's lives is considered trivial. Equality, even for the right to live seems like a far-fetched dream to women of these areas.
- Articles 15 (1) & and 15(3) deal with the prohibition of distinction based on religion, race, estate, coitus, or place of birth. These customary killings can be carried out in cases where inter-tribal/ inter-caste or inter-religion takes place.
- Article 17 deals with the abolition of untouchability. Women of the presumed lower class are the most vulnerable and are regularly the victims of honour killings and honour revenge cases.
- Article 19 deals with freedom of speech and expression. A jirga can pronounce a death sentence to individuals for speaking up against the regime of tribal assemblies or not subscribing to their ideologies.
- Article 21 talks about the right to life and personal liberty. The lives of women are considered disposable and they are at the mercy of the males of the tribe. This brutally violates their right to life.

INTERNATIONAL LAWS

International laws and conventions recognize honour killings as a brutal crime against women and their security of life is threatened. International law directs states to protect women from gender-based violence.

- Honour killings violate every other article on the International Convention of Human Rights (1948)
- Honour killings also violate the Convention on the Elimination of All Forms of Discrimination against Women (1979).
- The presence of laws that treat 'honour killings' leniently is also a brazen disregard of the International Convention of Civil and Political Rights (1966), protecting individuals against the use of the death penalty except for the most serious of crimes.
- According to the Human Rights Charter, marriage is protected within the framework of the right to start a family. The Universal Declaration of Human Rights (UDHR) urges all of its signing nations to develop a range of human, civil, economic, and social rights, asserting that these rights are an essential part of the "foundation of freedom, justice, and peace in the world." The right to freely choose a spouse and to only get married with that person's free and informed consent is guaranteed by Article 16 of the UDHR.

CONCLUSION

Throughout history, women have been treated as objects that are the property of their men. They are discriminated against based on their gender in work opportunities, wages, and higher educational opportunities and the male gender is given priority when it comes to supplying basic human necessities in a household. We live in the 21st century now and women have one burning concern in their minds: when will it all end and when will they be treated like dignified individuals? The perpetrators of honour crimes should be dealt with stringent laws. This needs to come to an end. To defeat this evil and create a more tranquil environment, it is now the duty and responsibility of every single citizen, men and women alike, to ensure this.

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