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4.7. HONOR RESTORED WITH THE BLOOD SHED OF LOVED ONES: HONOR KILLING AND BYSTANDER INTERVENTION

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INTRODUCTION:

Honor killing is a global phenomenon.¹³¹ United Nations Population Fund (UNPF) estimates that 5000 women and girls are murdered every year internationally because of honor killing.¹³² Honor based violence is an age old phenomenon prevalent since centuries in India.¹³³ The practice of honor killing occurs in almost all parts of India but it is more frequently reported in the states of Punjab, Haryana, Western Uttar Pradesh, Delhi and Rajasthan.¹³⁴ One in every five cases of honor killing worldwide is reported in India.¹³⁵ However, there is no

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¹³¹ SA Warraich, 'Honour Killings' and the Law in Pakistan. In L. Welchman & S. Hossain (Eds.), 'Honour': Crimes, Paradigms, and Violence against Women (p. 77) (London: Zed Books, 2005)

¹³² UNIFEM, *Fact and Figures on Harmful Traditional Practices*, Geneva: UNIFEM Publication, 2007)

¹³³ L Welchman and S Hossain, 'Honour', Rights and Wrongs, In L. Welchman & S. Hossain (Eds.), 'Honour': Crimes, Paradigms and Violence against Women (pp. 1-21) (New Delhi: Orient, 2006)

¹³⁴ J Vishwanath and SC Palakonda, "Patriarchal Ideology of Honour and Honour Crimes in India," *International Journal of Criminal Justice Sciences* 6(2011): 387.

¹³⁵ Nupur Basu, "Honour Killings: India's crying shame," *Aljazeera*, November 28, 2013; <http://www.aljazeera.com/indepth/>

accurate data available with governmental or nongovernmental organizations about the magnitude of honor killing.¹³⁶ Academicians and NGOs believe that cases are under reported.¹³⁷ They claim that the figure is four times i.e. around 20,000 cases globally every year.¹³⁸ According to a study conducted in Haryana, honor killing has emerged as a gender specific crime and that in 90% incidents of honor killing, girls are murdered for pride of the family as it is believed that the honor of the family rests in the hands of the women of that house (refer Table 1).¹³⁹

Table 1. Proportion of the Killings of Girls and Boys¹⁴⁰

Gender	Percentage
Killing of Girl Only	52
Killing of Boy Only	10
Killing of Girl and Boy both	38

WHAT IS HONOR KILLING?

Oxford Dictionary of Law Enforcement¹⁴¹ defines Honor Killing as:

“The purposeful pre planned murder, generally of a woman, by or at the command of members of her family stimulated by a perception that she has brought shame on the family”

Honor killing is the result of a complex social structure which governs the relationship between families, social units and communities. Honor killing is the outcome of certain patterns of behaviour of human beings, particularly female member, which is believed to bring dishonor and defiance upon the family, communities and social units within a given society¹⁴². In India, there are various causes which results in honor killing owing to its complex sociocultural patterns¹⁴³. These are intolerance towards pre-marital relationships, inter-caste and inter-religion marriages, widow remarriage, same gotra marriage by females. They are considered dishonorable acts and have been the primary cause of honor killing in northern parts of India.¹⁴⁴

KHAP PANCHAYATS AND HONOR KILLING IN INDIA.

Khap Panchayats are endogamous and unconstitutional bodies prevalent in northern India.¹⁴⁵ They are not an elected representative body. They are caste- based, informal decision making bodies consisting of elderly men of the community.¹⁴⁶ They are primarily from the same lineage or a common geneology of “supposedly” wise men.¹⁴⁷ They adhere to various marital taboos like prohibition of same gotra marriage, inter- caste marriages, inter- religion marriages and marriages within the same village¹⁴⁸. Any marriage in

opinion/2013/11/honour-killings-india-crying-shame-20131127105910392176.html

¹³⁶ SS Deol, “Honour Killings in Haryana State, India: A Content Analysis,” *International Journal of Criminal Justice Sciences*, 9(2014): 192.

¹³⁷ Deol, “Honour Killings,” 192

R Kiener, “Honour Killings: Can Murders of Women and Girls be Stopped” *Global Researcher* 5(2011): 185.

¹³⁸ Supra Note 3

¹³⁹ Supra Note 6

¹⁴⁰ Supra Note 6

¹⁴¹ The Oxford Dictionary of Law Enforcement, Honour Killing (London: Oxford University Press, 2007)

¹⁴² Supra Note 6

C Rout, “Honour Killing: Descend and Dimensions,” *International Journal of Political Science, Law and International Relations*, 2(2012): 18.

¹⁴³ Supra Note 6

¹⁴⁴ P Baxi, SM Rai and SS Ali, “Legacies of Common Law: ‘crimes of honour’ in India and Pakistan,” *Third World Quarterly* 27 (2006): 1241.

¹⁴⁵ Supra Note 4

¹⁴⁶ Poojaluyal and ShagunMathur, “Contentious Marriages, Eloping Couples: Gender, Caste and Patriarchy in Northern India,” *Asian Journal of Women’s Studies* 15 (2009): 109-116.

¹⁴⁷ Juyal and Mathur, *Contentious Marriages*, 109-116

¹⁴⁸ Supra Note 16



violation of these rules is met with stringent punishments like annulling the marriage, declaring the couple as siblings, dissolving their marital tie, religious expiation, divorce.¹⁴⁹ Violence and killing of the couple is the worst articulation of violence by these panchayats.¹⁵⁰ Few dare to oppose the councils publicly as they enjoy social sanction and political patronage.¹⁵¹

UNDERSTANDING BYSTANDER'S ROLE IN HONOR KILLING IN INDIA

On the unfateful night of 16th December, 2012, a 23- year old woman was brutally gangraped by 6 men in a moving bus.¹⁵² The girl was travelling with a male friend, who was also beaten and attacked by the rapists. He said in an interview, *"We tried to stop passersby. Several auto rickshaws, cars and bikes slowed down but no-one stopped for about 25 minutes."*¹⁵³

*In July, 2012, a 20-year-old girl was molested outside a bar in Guwahati for a half an hour in full public view.*¹⁵⁴ *The incident took the country by shock. This phenomenon of public apathy and insensitivity is called Bystander effect. The apparent apathy in India is a representation of the breakdown of traditional morals and values in Indian culture.*¹⁵⁵ However, bystanders in rape, domestic violence or other crime against women do not support the occurrence and incidence of crime even if they are reluctant to help. On the other hand, bystanders in honour killing are placing a bigger challenge for the society.

Here, the whole community not only witness the crime, but they are actively engaged in barbaric acts against the couples who have violated the community defined marital rules. Surprisingly, bystanders here are extended to community, police, legislators and politicians. For instance, in June, 2007 in Manoj-Babli Honor Killing case, Khap Panchayat passed a decree which annulled their same gotra marriage. Thereby, the local councils declared the couple as siblings.¹⁵⁶ Police registered a FIR (First Information Report) against Manoj for kidnapping Babli. After the duo clarified in the court on 15th June, 2007 that they had married each other in conformity with the law, they were sanctioned immediate police protection by the court.¹⁵⁷ However, police later deserted them, following which they were abducted and murdered by Babli's relatives.¹⁵⁸ This case is a clear illustration of not only passive apathy of the police, but rather playing an active role in supporting honor based killing in India. Hence, the police were the active bystanders who supported the execution of the couple by abandoning their duty to protect the couple. Honor killings have redefined the definition of bystanders from mere passive observer to a crime to active engagement in committing the crime. This calls for an intervention mechanism where not only the offenders or culprits but also bystanders are held accountable and responsible for crime, especially, when bystanders are the guardians of the law and enforcement of the country.

LEGISLATIVE PROVISIONS IN INDIA

There are no clear laws prohibiting honor killing in India. The Indian Penal Code states murder as a crime but no specific condition or punishment has been mentioned against honor killing. From time to time news reports of incidences of murder of young girls and boys by their parents or family in the name of honor instigated a suggestion for legislative reform. In August 2012 the Law Commission of India in its report on Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of honor and tradition): A suggested legal framework proposed the incorporation of a separate legislation for killings in the name of honor.¹⁵⁹ Despite

¹⁴⁹ B Kuppaswamy, Social Change in India (Delhi: Konark Publications, 1989)

¹⁵⁰ Kuppaswamy, Social Change

¹⁵¹ ChanderSutaDogra, "Jeans, Mobiles & Khap Panchayats," The Hindu, October 19, 2014, <http://www.thehindu.com/news/national/jeans-mobiles-and-khap-panchayats/article5248924.ece>

¹⁵² RajanBhagat, "Male friend of Delhi gang rape victim slams police, public apathy," The Economic Times, January 5, 2013 http://articles.economictimes.indiatimes.com/2013-01-05/news/36161835_1_bus-male-friend-delhi-police

¹⁵³ Bhagat, Delhi gang rape

¹⁵⁴ SukhadaTatke, "Bystander Effect typifies Indian psyche," The Times of India, July 15, 2012 <http://timesofindia.indiatimes.com/city/mumbai/Bystander-effect-typifies-Indian-psyche/articleshow/14924402.cms>

¹⁵⁵ RupaSupramanya, "Delhi Rape: Why did no one help?" The Wall Street Journal, January 5, 2013 <http://blogs.wsj.com/indiarealtime/2013/01/05/delhi-rape-why-did-no-one-help/>

¹⁵⁶ MandakiniGahlot, "Six to be sentenced for 'honour killing,'" The Indian Express, 29 March, 2010 <http://archive.indianexpress.com/news/six-to-be-sentenced-today-for-honour-killing/596849/>

¹⁵⁷ GeetanjaliGayatri, "A love story with a full stop," The Tribune, 30 March, 2010 <http://www.tribuneindia.com/2010/20100331/khapdiktat.htm#3>

¹⁵⁸ Gayatri, "A love story"

¹⁵⁸ Gayatri, "A love story"

¹⁵⁹ "Prevention of Interference with the Freedom of Matrimonial Alliances (in the Name of Honour and Tradition): A Suggested Legal Framework." Law Commission of India, August 2012. <http://lawcommissionofindia.nic.in/reports/>



the suggestions of the Law Commission, no separate legislation have been passed by the Parliament. This is primarily due to the political pressure from the panchayats (local governing bodies in villages) which support such killings. Further, lack of evidence is the problem in such cases because these are not ordinary murders but murders that are sanctioned by the orthodox mindset of the people.

The existence of the inhumane act of honor killing is supported by both active and passive bystanders of the community. A women's right group, Shakti Vahini has reported that most of the perpetrators in the honor killing get away with the impunity for the lack of evidence.¹⁶⁰ The lack of evidence is propagated by perpetual silence of the village and the community against the perpetrators. Thereby, giving their approval and consensus on cold-blooded murder in the name of honor.¹⁶¹ There is an urgent need for a legislation that punishes not only those who murder, but also those who act as bystanders and mute spectators and are directly or indirectly involved in the murder.¹⁶² Silence of the community members is equally fatal for couples and a major barrier in eradicating honor killing from that community. Academicians and scholars all over the world have described that *Bystander effect* describes Indian psyche, which has led to emergence of a culture of rape and violence against women in India.¹⁶³ A crucial missing link in India compared to many Western countries is the absence of a Good Samaritan Law. Introduction of Good Samaritan Law in India will reduce the bystander effect in India. Bystander is not a culture hardwired in Indian culture.¹⁶⁴ It results from lack of a strong legislation for people. This results in people's reluctance in offering help due to cumbersome litigation and criminal prosecution.¹⁶⁵ There is a need for a law that protects those who help or provide assistance to others (victims) in need from frivolous civil litigation or criminal prosecution except in cases of gross negligence.¹⁶⁶

COMMUNITY BASED INITIATIVES

A community initiative that targets the bystanders both active and passive is more likely to bring about change against honor killing. One classic example of community based initiative is "Wake Up Campaign" against honor killing launched by Khalida Brohi in Karachi, Pakistan.¹⁶⁷ The campaign targeted women empowerment. To achieve the target, they organized rallies and strikes to facilitate government policy change. But the campaign failed miserably.¹⁶⁸ Two reasons were identified for the broken campaign: First, the campaign stood up against the core values of the people and challenged their code of honor, which was perceived as Un-Islamic by the community. Second, the campaign was surfacing at the superficial level, changing the governmental laws and policies without engaging the stakeholders in the process i.e. the women folk.¹⁶⁹ This time, they re-launched the campaign with a project called 'Sughar' (*Sughar means skilled and confident women*).¹⁷⁰ Different forms of life skills were imparted for the women like: traditional embroidery, enterprise development, basic education about their rights, leadership abilities.¹⁷¹ Instead of opting for a top-down approach, they adopted bottom up approach to deal with the issue. This promoted women empowerment, awareness about Islam and their rights. Subsequently, the community experienced a major decline in honor killing, child marriage, domestic violence and other gender related crimes.¹⁷² This initiative is a classic example of a bystander intervention and community specific prevention strategy.¹⁷³

[report242.pdf](#)

¹⁶⁰ Geetanjali Gayatri, "Till 'honour do them part'", The Tribune, 30th September, 2013, available at <http://www.tribuneindia.com/2013/20130929/kal.htm>

¹⁶¹ Gayatri, "Till 'honour'"

¹⁶² Gayatri, "Till 'honour'"

¹⁶³ Supra Note 24

Heather Dande, "Too many Bystanders to India's culture of rape," The Boston Globe, April 10, 2015

<https://www.bostonglobe.com/opinion/2015/04/10/too-many-bystanders-india-culture-rape/cYLaa0CiwauM1y4dkKKwGO/story.html>

¹⁶⁴ Supra Note 25

¹⁶⁵ Gahlot, "Six to be"

¹⁶⁶ XU Guo-dong, "A comparative study of the Acts of Good Samaritan of various countries," Hebei Law Science, 7 (2006):001

¹⁶⁷ Khalida Brohi, "How I work to protect Women from Honor Killings," TED Global, October, 2014

https://www.ted.com/talks/khalida_brohi_how_i_work_to_protect_women_from_honor_killings

¹⁶⁸ Brohi, "How I work"

¹⁶⁹ Brohi, "How I work"

¹⁷⁰ Brohi, "How I work"

¹⁷¹ Brohi, "How I work"

¹⁷² Brohi, "How I work"

¹⁷³ Brohi, "How I work"





Another approach is creating a community support system of people who are against honor killing and are willing to take a stand to protect couples who go against the wishes of their families and community. For example, “Love Commandoes”, a non-profit organization, started by a journalist Sanjoy Sachdev is a sanctuary for many young couples.¹⁷⁴ Love Commandoes”, since its inception in 2010 has helped thousands of young couples and prevented many deaths as result of honor killing.¹⁷⁵ Love Commandoes provides shelter to young couples who have dared to select life partners of their choice against the wishes of their family and community.¹⁷⁶ In addition to refuge, young couples receive legal advice and are rehabilitated so that they can start a life together.¹⁷⁷ In addition to having seven shelter homes, the NGO has a network of 300 couples who provide a short stay sanctuary for young couples fleeing their family’s wrath and fear for their lives.¹⁷⁸ Unfortunately, Love Commandoes have not been always successful in saving all lives that seek shelter. The couple, Abhishek Seth and Bhawna Yadav belonged to different castes. They were in love and dared to marry secretly against the family’s wishes, eloped and sought refuge with Love Commandoes.¹⁷⁹ Bhawna’s family convinced the couple to send Bhawna back to her family. They assured the couple about celebrating their marriage. Unaware Bhawna went back to the family without having a true idea of their intention. She was ruthlessly killed and her body was burned by her parents and uncle.¹⁸⁰

Sometimes family conspire to lure the couples back and most often it’s the girl who is executed by her family. It is hard to believe that parents who nurture their children throughout their lives, later, kill their children, primarily their daughters, in the name of honor. This raises the most important and critical question: Are the parents victims too? Can the fear of being ostracized and abandoned by the community victimize the family? Can the victimization lead the families to suppress their desire to nurture and support their children and instead be consumed by their thirst for blood and vengeance of their children? Jagmati Sangwan, president, Haryana chapter of the All India Democratic Women’s Organisation (AIDWA), says,

“Parents are threatened of complete social boycott and ban on hukka-paani (social and commercial relations). A society’s collective refusal to engage in the normal social and commercial relations that make life palatable and possible for an individual makes people so uncomfortable that they decide to eliminate themselves or their children or voluntarily leave the society.”¹⁸¹

Consequently, honor killings are prevalent in those states in India where adherence to patriarchal and societal norms is believed to be the key to the survival of their family and community culture. Any resistance is curbed to maintain the unity and solidarity of the community.¹⁸² Therefore, such communities are resistant to changing marital and societal norms and are more accepting and tolerant towards violence against women.

CONCLUSION

Sociologists explain the prevalence and existence of honor killing as a lethal response to resist rapid changes in the community.¹⁸³ Accordingly, these communities tend to have poor attitude towards a woman’s social standing and right for decision-making pertaining to the self. The power of the community and the family overpowers the right of the individual, particularly women who are considered the subservient gender. In a controversial bid to raise voices against female foeticide and honor killing in the Jat community, the

¹⁷⁴ AFP, New Delhi, “Here Comes Love Commandos: NGO Provides Couples with Shelter, Help,” Hindustan Times, February 9, 2015, <http://www.hindustantimes.com/india-news/here-comes-the-love-commandos-delhi-ngo-provides-couples-with-shelter-help/article1-1314837.aspx>

¹⁷⁵ AFP, New Delhi, “Here comes”

¹⁷⁶ AFP, New Delhi, “Here comes”

¹⁷⁷ AFP, New Delhi, “Here comes”

¹⁷⁸ AFP, New Delhi, “Here comes”

¹⁷⁹ AFP, New Delhi, “Here comes”

¹⁸⁰ AFP, New Delhi, “Here comes”

¹⁸¹ Anwar Tariq, “Honour Killing in Delhi: What turns loving parents into cold blooded murderers,” First Post, 23rd November, 2013, available at <http://www.firstpost.com/india/honour-killing-in-delhi-what-turns-loving-parents-into-cold-blooded-murderers-1817411.html>

¹⁸² M.C. Pradhan, “The Jats of Northern India: Their Traditional Political System-II,” Economic Weekly 17(1965): 1855-1864.

¹⁸³ AnandKirti, Prateek Kumar, RachnaYadav, “The Face of Honour Based Crimes: Global Concerns and Solutions,” International Journal of Criminal Justice Sciences 6(2011): 343-357. <http://www.sascv.org/ijcjs/pdfs/kirtietalijcjs2011i%26iind.pdf>

current Prime Minister, Mr. Narendra Modi tried to extract a promise and support in eradicating female foeticide¹⁸⁴. In exchange the Prime Minister promised supporting the community in its fight against the Supreme Court's decision to remove OBC (Other Backward Class) quota for their community, thereby depriving them of the privileges of the OBC quota.¹⁸⁵ If the guardians or custodians of a community imbibe change, then transformation at the grassroots level is a possibility. Community initiated and supported preventive measures are essential for longlasting changes.

It is imperative to address the deeply entrenched socio cultural fabric of the society which encourage patriarchal order and conservative attitudes towards gender, morality and caste.¹⁸⁶ There is a dire need to introduce educational and awareness programs which can act as change agents in the mindset and attitude of people and the community as a whole. This can create responsible and informed bystanders and could be a turning point in ending honor killing when supported by community leaders or custodians of the culture in the community. In this direction, the recent news published in an article in Hindustan Times claims that Sarv Jatiya Khap Mahapanchayat (all castes' council) of 150 Khaps in Haryana have taken a solemn pledge to put an end to honor killing in the community¹⁸⁷. In addition, the Khap panchayat would socially boycott families in the community that accept dowry and engage in honor killing. If this resolution is true and successfully implemented by the Khap Panchayat community, this pledge could be the beginning of a new social change and can put an end to honor killing in the Khap community; a community that had gained ill-fame due its favor and support of the heinous crime of honor killing.

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¹⁸⁴ Liz Mathew and P Vaidyanathanlyer, "Promise to End Female Foeticide if You Want Quota, Narendra Modi told Jats," *The Indian Express*, April 4, 2015, <http://indianexpress.com/article/india/india-others/promise-to-end-female-foeticide-if-you-want-quota-narendra-modi-told-jats/>

¹⁸⁵ Mathew and Iyer, "Promise to end"

¹⁸⁶ Mathew and Iyer, "Promise to end"

¹⁸⁷ PTI, Rohtak, "Haryana KhapMahapanchayat Pledges to Stop Honor Killing, Dowry," *Hindustan Times*, January 18, 2015, <http://www.hindustantimes.com/chandigarh/haryana-khap-mahapanchayat-pledges-to-stop-honour-killing-dowry/article1-1308150.aspx>



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