

Honour Killings



KHAP PANCHAYATS HARYANA

KHAP PANCHAYATS AND HONOUR KILLING

1. Khap Panchayats

Khap Panchayats are a collective patriarchal body using its collective strength for repressive ends rather than democratic ones. The Khap panchayats use this power as extrajudicial bodies. Khap Panchayats are self styled decision makers. These traditional panchayats mobilize a large no of people on the basis of family kin, gotra, caste, community and village including persons from outside the local area. Since these panchayats are dominated by the powerful community it is highly patriarchal in nature.

The research team had visited various Khap Panchayats meetings on the issue of Honour Killings and Gotra Marriages. The people in Haryana and Western Uttar Pradesh say that Khaps have been a part of their tradition and culture. **It is a way of honoring their culture and the values their ancestors taught.**

The general observation in the various meetings observed by the Research team has been that Khap are mostly connected to the Jat Community. **The Jat community is the dominating community of the region. They have had traditionally holding the power and also the land in the region. Even in the village panchayats their representation is the highest. Even in the constitutional process of the rule of law the jat community has consolidated power. They have consolidated the power through electoral wins.**

The present Khap Panchayats are mostly quasi political in nature and **are being used as a tool to consolidate the power in the region.** It is also **the launching pad of politicians** as by being an active member of the khap leads to wider acceptability and exposure to the society as a person dedicated to people's causes. The research team found out that in most of the Khap Panchayats **the question of reservations for the Jats was also openly discussed.**

In various Khap Panchayat meetings the research team found out that the crowd was being controlled by few people and the people who controlled the meeting tried to infuse the Jat pride by putting in slogans which was populist in nature and which got the crowd agitated. Slogans like “brother and sister getting married is a blot on the society and such people should not be spared”.

Khap panchayat imposes its writ through social boycotts and fines and in most cases end up either killing or forcing the victims to commit suicide. All this is done in the name of brotherhood and its honour. It is due to the inherent weakness of democratically elected Panchayati Raj institutions, Khap panchayats have been powerful. **Even the government has not done much to control their power.**

The 10-15 men who constitute a Khap settle disputes and control the lives of young people. Many village people also defend these caste panchayats as they deliver the verdict in one sitting whereas court cases drag for years. According to them, in many cases innocent people get harassed in the court and by police. Here as everyone is known so they cross check everything to ensure neutrality.

The Research team also found that these Khap Panchayats are a attempt to consolidate power and force the writ on lower castes. In many cases it has been found that the victim of violence is either the dalit families or people who are poor and landless. The Khap have also started asking for legitimacy from the government. In a letter written to the Prime Minister dated 19 March 2010 the Sarva Khap Swaroop Samiti of Shamli demanded that the courts should recognize the decisions taken by the Khap Panchayats.

2. Lesser Participation of Women in Khap Panchayats

One of the stark realities which the Research team found out was that the **Khap Panchayats are all men bodies having no representation of women.** Even though many decisions taken in Khap Panchayats affect the lives of women but still they have no representation of women. Even the decisions taken by the Khaps are anti women. In the case of Satish and Kavita of Khedi Meham it was Kavita who was told to leave the house while Satish was allowed to live in the village. In case of Ravinder and Shilpa of Dharana village the Khap threatened the couple to divorce. Even they started putting pressure on Shilpa to marry according to their wishes. The couple when they defied the Khap diktat were threatened. In many cases the research team found out that Khap diktats were being used to threaten the women.

The glorification of Honour Killing by the Khaps has further marginalized women. The message has gone to such an extent that male members of the family can kill any girl who goes against the wishes of the family on the pretext of saving family honour. The real figure of subjugation of women will never be clear as many cases of honour killings in the family is passed on as suicides and the cremation is conducted without any investigation. The entire proof is wiped off by the families. The killing of Monika Dagar by her family members and the same being passed off as natural death is a classic case which shows how women are unsafe even in their families if the question comes to saving the so called family honour.

The increased education among the women and their growing aspirations are coming in conflict with these patriarchal panchayats . Women exercising the choice of marriage are seen as a sin which should be ended by taking the life of the women. It is a writ and the fear is felt among the women that if they go against the diktats of the Khaps or the tradition advocated by khaps there is no way out.

3. Honour Killings

Honour Killings have been reported from those areas the most where the Khap Panchayats are active. Since the last six years the Khap Panchayats have been providing the fuel and fodder for such heinous crimes. The public rhetoric and the diktats issued by them have certainly led to the polarization in the community. These groups though not directly involved in the crime have provided the catalytic support needed for growth of violent behavior. The khap members react very strongly in the meetings and issue judgments and orders which make the area tense and breeds violence. This can be evident that in the district where these panchayats have no presence the situation has remained normal in those districts. The worst affected districts in Haryana are Jhajjar , Jind , Fatehabad and Rohtak. The worst affected districts in Uttar Pradesh are Meerut, Baghpat and Muzaffarnagar. It is a fact that most of the Khap Panchayats have happened in these areas.

The study scrutinized 560 cases where couples have been threatened. From these 560 cases a total of 121 persons have been killed. From the 560 cases studied by study in the last four years 48 persons have been killed for Honour in Uttar Pradesh, 15 persons in Delhi, 41 persons in Haryana and 17 persons in other states.

Honour Killings and honour related crimes have been reported from Haryana , Punjab and Western Uttar Pradesh. The cases from the various states which were tabulated are as follows.

HARYANA : PROFILE OF CASES

	Inter Caste	Inter Religious	Same Caste	Same Gotra	Others
No of Cases	142	3	12	15	2
Percentage	81.6	1.71	6.89	8.62	1.14

Details of 174 Cases of Honour Crimes & Runaway Couple seeking Protection profiled by Study . In Haryana the percentage of inter caste marriages which were targeted was 81.6% whereas the the same gotra marriages where only 8.62%.

PUNJAB : PROFILE OF CASES / 2007-2010

	Inter Caste	Inter Religious	Same Caste	Gotra Row	Others
No of Cases	248	0	37	0	1
Percentage	86.02	0	12.9	0	0.4

Out of the 248 cases of Honour Crimes and Runaway Couple seeking Protection. profiled by Study in Punjab 86.02% are in the inter caste nature. In Punjab the not a single case of same gotra marriage have been reported.

UTTAR PRADESH : PROFILE OF CASES / 2007-2010

	Inter Caste	Inter Religious	Same Caste	Gotra Row	Others
No of Cases	39	6	1	2	5
Percentage	73.58	11.32	1.89	3.77	9.43

Out of the 248 cases of Honour Crimes and Runaway Couple seeking Protection . profiled by Study in Uttar Pradesh 73.58% are in the inter caste nature. The same gotra marriage is only 3.77%.

It is very clear that the exact no of Honour Killing cannot be ascertained as many of these killings are reported in the data as murder cases. The National Crime Records Bureau reports Murders for the Love Affairs/ Sexual causes. This data is also an indicator of the Honour crimes happening in our society. The data is shown below

KHAP PANCHAYATS AND SAGOTRA ROW

Though the Khap Panchayats have been agitating and mobilizing on the gotra issue , the no of cases of violence/ honour killing has been more on the issue of the inter caste marriages. Honour Killings are less about Gotra issue and more about Inter Caste marriages.

	Inter Caste	Inter Religious	Same Caste	Gotra Row	Others
No of Cases	465	14	55	18	8
Percentage	83.03	2.5	9.82	3.21	3.21

Among the 560 cases the study collected for its case studies 465 cases (83.03%) are pertaining to the cases of inter caste marriages. Gotra issue involves 3.2% of the cases.

NO OF CASES COMPILED: PERCENTAGE WISE



GOTRA - A SENSITIVE ISSUE

Gotra issue is a sensitive issue and raising it as a campaign has helped the Khap to get mass support. It is one issue in which the public support is with the khap panchayats and this support the khap members are exploiting to consolidate power. It is now a ploy to deflect the debate from the honour killings and the illegal diktats issued by these groups. After the judgement delivered by a court in Karnal in the Manoj and Babli case the Khap Panchayats became more watchful. They put forward a new demand that the Khaps should be given legal sanctity to gather public opinion for their favour they put forward the demand of amendment in the Hindu Marriage Act. They called for banning the same gotra marriages. In fact many of the Khap verdicts have happened against couples who are not from the same gotra. **In fact most of the marriages which have been targeted by the Khap Panchayats are intercaste.**

The society which is highly patriarchal in nature believes in a way of living that is very rigid and is based on certain norms. These norms include the caste system which is prevalent in India at all levels. With the Caste System comes the concept of "Gotra". "Gotra" is a lineage that is accredited to an individual at his birth. The father's gotra is carried forward by the offspring, thus following the norms of a patriarchal society. Hence, two people belonging to the same gotra are not permitted to marry since they are considered as siblings under the concept of "Exogamy". But in times of today where the societal norms are constantly changing, there is always a tiff between the ancient practices being followed and the modern liberal opinion of the youth. This has obviously resulted in a revolt by the practitioners of these ancient customs who believe in restoring it at any cost. If the village youth is found to act against the wishes of the elders in the village, they are punished to set an example for the others in the village. Most of the times, they are tortured and killed to restore their family name and honor of the community. Such incidents are mostly never reported which results in the convicted to move freely and carry on with similar tasks. A marriage within the gotra is one small aspect of the larger issue here. Similar to these are inter caste and inter – religious marriages. These marriages also face equal oppositions from the so – called creators of the societal norms. The caste system is religiously followed in all parts of India, be it small towns or big cities. It is common to see parental disapproval for marriages that are out of gotra, caste and religion.

In a recent survey conducted by the by *Hindustan Times* in Haryana shows most people are against same gotra (sub-caste) marriages. The survey shows as many as 77 per cent of the respondents do not support same gotra marriages. The survey was carried out in Chandigarh, Rohtak, Jind, Bhiwani and Kurukshetra. Surprisingly, even in Chandigarh, 65 per cent of the respondents have opposed same gotra marriages. Thirty four per cent of the respondents have said that khap panchayats have the right to order the social boycott of a couple if it violates same gotra marriage rules.

A Khap mahapanchayat was held at Garhmukteshwar, 60 km from Ghaziabad, Uttar Pradesh to discuss the same *gotra* marriages. In this meeting the Bharitya Kisan Union leaders were present. They decided that such marriages will not be tolerated at any cost and the couples will be separated forcefully if they get married against their diktat. The khap panchayat also demanded an amendment in Hindu Marriage Act, 1955, disallowing marriages between same *gotra*. On May 14, 2010 a khap panchayat had issued death threat to a couple, who later married against

their *diktat*. The panchayat had barred Jaivinder, a resident of Chithera village, from marrying Manisha of Bisnoli village, claiming their marriage will be against local societal norms. Although the boy and the girl belonged to different *gotras*, the panchayat ruled that as residents of Chithera consider girls belonging to Bhatti *gotra* as their sisters, Jaivinder could not marry Manisha who belongs to the Bhatti subcaste. Javinder belongs to Bainsla *gotra*. The panchayat had threatened to kill them if they went ahead with the marriage. On two occasions in the recent past, the panchayat had forcibly cancelled the marriage of local boys with Bhatti girls.

The Sarvjatiya-Sarvkhap Mahapanchayat held in Pai village of Haryana unanimously resolved to press the Centre and state governments to make amendments in the Hindu Marriage Act in conformity with age-old conventions being followed by various Khaps prohibiting marriages among girls and boys of same 'gotra' or those living in the same village or villages located close to each other.

Thus from the various Khap Panchayats meeting which have been closely followed by the Research Team it is evident that the protest against the same gotra issue is to defend their hold over the society and consolidate power. It is also a front to keep the age old traditions like the caste system intact.

RUNAWAY COUPLES

Cases of runaway couple being threatened have been reported from almost all the districts of Haryana, Punjab, Delhi, Chandigarh and Uttar Pradesh. **Most of the couple whose marriages have been threatened by their families hail from the cities** and some from good families. From the case studies mentioned in the annexure it is very clear that violence against couples has not only been reported from rural areas but also from the cities. The High Court orders in hundreds of runaway marriages seeking protection, one comes to the conclusion that such cases of threatening and violence behavior is rampant in almost all sections of the society. The cases of runaway couple being threatened are not about Khap Panchayats but our deep ingrained caste behavior. If the records of the Haryana and Punjab High Court and the Delhi High Court are an indicator every day about 10-15 cases of runaway couples are heard and provided the cover of safety from the families who threaten to kill the couples. In many cases couples have reported violence even after the court protection. The main opposition which is seen in these cases are the caste conflict. The research team after close scrutiny of the cases found out that the opposition for such marriages come from the family of the girl. This further proves that the violence stems from the fact that the family honour is related with female members of the society. In a family if a girl opts for an inter caste marriage the family at once associate such a union with their honour. Once the marriage is associated with loss of honour in the society the family goes after the couple and tries to break the union by undertaking all sorts of violence and threats. Many couples are not able to escape the violence and meet death

5. INTER CASTE MARRIAGES

The opposition to inter caste marriages is rampant across all strata and society. The reaction to the inter caste marriages are much stronger and violent when the girl marries a dalit or to a lower

caste than her own. In cases of girls marrying in to the higher caste the reaction has been less violent.

Data of Perpetrator of Violence in Out of the 560 cases Profiled by the Study:

In 88.93% of the cases the girls family has been involved in the threatening of couples / or committing violence on them .

STATE THE BIGGEST HINDRANCE IN NEGATING THE RIGHT OF CHOICE IN MARRIAGE

The Honour Killings are on the rise as it is response from a rigid society in which couples are exercising the right to choice. With the state becoming a party to the exploitation of the couple (with no proactive response) exercising choice it provides ground to for the mobilization of the caste and the community to interfere. Instead of becoming a private choice the choice itself becomes part of the larger debate in which the caste groups and khap panchayats can easily interfere. The people behind the law enforcement also support it and the couple has no choice but to fall to their diktats. In cases where the couples don't have the means to fight this community attack they can become victim of this state supported violation of right.

The right to choice of marriage is almost non existent and for the women it is illegal to even imagine it. There is a complete rejection of choice of the person concerned in relation to whom to marry. Even most of our laws mention about women rights but has no mention about the right to choice. This leads to criminalization of runaway couples (elopement, abduction, kidnapping) which are put on the men if he dares to be part of a women choice. Our legal system is a big hindrance to the right of choice. The marriage under the Special marriage act is very lengthy and cumbersome so that instead of enabling couples exercising choice it goes on to become a big hindrance and the couples have nowhere to go but to get married under the personal laws which are unable to provide the validity which a registered marriage in a court of law can provide. Thus the couples become victim of the push and pull and get caught in legal problems which are created by their own people. In most of the 415 cases which has been recorded from the Haryana and Punjab High Court for its case studies it is very clear that the state comes as a major hindrance in negating the right to choice. Though the Supreme Court and the various High Court have been laying down guidelines for streamlining such exercise of choice it doesn't have the desired effect until and unless the state legislates and provides the support.

The real questions we need to ask today in the face of such heinous crimes are how the state can facilitate the exercise of choice. Till the state legislates or provides the necessary support for the right of choice the exploitation will continue. The state needs to facilitate the process of marriage becoming choice between two individuals.

MARRIAGE AND CHOICE

It is ironical that most of the honour killings are happening in the areas where the sex ratio is low and girls are being bought for marriages. One thing is quite clear that the skewed sex ratio will have more devastating affect over the women in these regions. They will be susceptible to

various push and pulls of the society and thus marginalizing them. The women who will be few in number will be manipulated by the community and their will be a sort of competitive bidding. In a scenario where the Khap Panchayat are adamant to increase exclusion of certain gotras while marrying it will be increasingly difficult for boys to get married. To tackle the menace of honour killings and the criminalization of choice it is very important that the State removes the barriers and hindrances. Removal of such barriers will lead to greater support to individuals and couple whom may exercise their choice guaranteed under the law with facilitation from the state.



KHAPS HAVE A MASS FOLLOWING IN HARYANA

ROLE OF LAW ENFORCEMENT AGENCIES

The role of the law enforcement agencies especially the police has been very dismal. In fact the police which also come from the same class of people who oppose this right to choice have become the part of the problem rather leading from the front in protection of fundamental rights.

Out of the 300 policemen interviewed in Haryana, Punjab and Western Uttar Pradesh 81% agreed that Khap Panchayats were raising the right issues. 85% agreed with Khap Panchayats on the issue of the Gotra. 70% of the respondents were against inter caste marriages and 62% reported that if inter caste marriage happens in their families they will react strongly. 75% agreed that killings for Honour are not right way to handle the situation.

The police in cases of couple of runaway marriages fail to enforce the laws and the various Supreme Court guidelines. The Police fail to enforce the guidelines on arrest laid down by Supreme Court in *JOGINDER KUMAR V STATE OF UTTAR PRADESH AIR 1994 SC 1349*. The police also have strong guidelines in the case of Runaway Couples in *Lata Singh Case*, *Fiaz Ahagner Case* and also in *Pradeep Kumar case* in which the Haryana and Punjab High Court laid down clear guidelines while dealing with the case of runaway couples. In spite of these guidelines the police go all out to register cases of kidnapping against such couples without verifying the facts. This leads to further victimization of the couples.

After the registration of the cases of kidnapping they go forward with all their might to catch hold of the boy and put him behind bars and to inflict torture on both the couple on instruction

from the parents. The couples are divided and have to go through a long and tedious process to save their marriage.

The law enforcement agencies have failed to provide the necessary protection to couples. The protection which is a Fundamental Right under Article 21 has to be validated by the High Court or the district court for the police to act. Till the time this validation occurs the couple have to live a life under hiding. Those who cannot reach the High Court will be caught and violence heaped on them.

Prosecutions of the people indulging in such killings need to be taken actively so that deterrents can be set up. The recent judgment by a Karnal district Court in the case of killing of Manoj and Babli is an example of how proper prosecution becomes a deterrent for people who indulge in such acts. Even the statutory authorities have been unable to provide justice and protection to such couples and in this scenario the community panchayats are having centre stage.

The police in many cases have played the role of a mute spectator (Case Studies). In many cases they could have saved the lives of the couple had they acted as mandated by the law. This delirium of duty needs to be investigated.

Some of the cases where the law failed and the state became the hindrance are as follows :

Case of Bhupinder

Bhupinder Sherawat with Rajrani tied the knot in an arranged marriage but few family members were against it. Two of Rajrani's cousins, were furious with their sister for daring to marry someone from their inherited village. While the couple were heading to a temple in Punjabi Bagh, New Delhi, to get married, these people opened fire at the couple. Bhupinder sustained six bullet injuries in his chest and Rajrani got two in her forehead. They survived but their friend Dharam succumbed to his injuries. FIRs under Sections 302 IPC (murder), 307 IPC (attempt to murder) and 102 IPC (criminal conspiracy) against them have failed against the four culprits. Out of four two were abscond and two were sent to behind the bar. Unexpectedly, Satyavan got parole in February last and are still on his fatal mission as to act as a deterrent and allegedly killed Bhupinder's brother when he was returning home from his Najafgarh office. Despite this fact, the other accused also succeeded to get parole has threatened to eliminate the boy's family and the couple.

The Govt of NCT of Delhi approved the parole of the accused inspite of being aware that two accused are absconding and one accused killed just after coming out in parole. The couple are today in danger of being killed as all the four accused are out and absconding. They are continuing to threaten the couple. Law enforcement agency of our country must understand its responsibility when they deal with grave offences like "honor killing" and not to act in a habitual manner. These kinds of cases require urgent, instant attention and focus.

Case of Gaurav Saini

Gaurav Saini,(25) and Monika Dagar,(21) got married on 6th July 2009 at an Arya Samaj Temple, Malviya Nagar, New Delhi. Monika's brother Nitin Kumar filed a complaint at Sahhibabad police station, after which Gaurav spent 32 days in Dasna jail, U.P. on the charge of kidnapping. U.P. police with the help of Delhi police arrested and dragged Gaurav behind the bar. Without paying any attention to Monika's plea police arrested Gaurav on the basis of the charge of kidnapping a minor without verifying the age of Monika. After Monika's statement has been recorded under section 164 CrPC, Gaurav got bail from the Gaziabad Court after 32 Days. The Delhi High Court, on a Habeas Corpus filed by Gaurav Saini issued notice to UP Police and Delhi Police to produce Monika. The reply to the Delhi High Court Habeas Corpus notice came with news that Mionika died due to Tuberculosis the day Habeas Corpus. She was killed by the family and cremated the same day. It was only on Delhi High Court Orders the FIR was filed on 08/10/2009 having No 2053/09, u/s 166/167/342/120B IPC at PS Shahibabad, District Ghaziabad, UP. In spite of a death happening the UP Police did not put Section 302 of IPC. It was only after the Delhi High Court told the Home Secretary to be present in person did the Uttar Pradesh Police got section 302 to be inserted. The accused got bail in a case of Murder in just ten days.

The Law failed Gaurav many times. In spite of the couple showing credible proof the police went out of the way to arrest Gaurav. In spite of Monika being legally wedded and being a major she was tortured and tormented to give wrong statement against Gaurav. The UP Police never wanted to file FIR against the Monica Family as it had been acting on behest of the family. In spite of death happening the Police did not press for charges under section 302. In spite of Monika statement being made to the Magistrate u/s 164 Gaurav was kept behind bars for 32 days. His only fault was that he was exercising his right. This is a classic case where the Law enforcement agencies collide with parents of the girl and torture the couple. It can be said that in many cases it is the law enforcement agencies which are responsible for the trouble caused to the couple.

Priyanka Case

Priyanka and Sanjay of Daula village eloped on 24 June, 2010 as both of them were engaged in a love affair. Priyanka belonged to Brahmin community while Sanjay was from Dalit community a seven village strong panchayat was held at the boy's house where the boy's father and his brother were held hostage. Moreover the caste panchayat issued a diktat that if the boy's family is unable to trace the whereabouts of Sanjay, then the Brahmin villagers will abduct the three girls from Dalit community. The decree forced Daula villagers to ask all women to leave the village. FIR has been lodged against forty people and investigation is going on.

The Constitution of India guarantees equality of sexes and in fact grants special favors to women. Article 14 says that the government shall not disallow to any person equality before law or the equal protection of the laws. Article 15 declares that government shall not discriminate against any citizen on the ground of sex. Article 15 (3) makes a exceptional provision enabling the State to make affirmative decisions in favor of women. Moreover, the government can pass special laws in favor of women. Above all, the Constitution imposes a fundamental duty on every citizen through Articles 15 (A) (e) to renounce the practices derogatory to the dignity of women. In India, the villages are still highly governed by ancient practices which are being passed on

from centuries unknown. Honor of the family means to control, operate and regulate women's sexuality and freedom of movement by the male members of the family. The police never took action against people who made such statements.

Case of Vedpal Mor :

Ved Pal, a medical practitioner was in love with Sonia. Sonia's parents didn't approve the match and chose another groom. However, a week before the wedding Sonia eloped with Ved Pal via a court registry. Sonia's village Singwala happened to share a boundary with Ved's village Mataur. According to the medieval Jat tradition, people living in adjoining villages belong to the same clan, regardless of their gotras, and are ruled by the principle of brotherhood or 'bhaichara'. Marriage between two people in adjoining villages is thus thought of as incest, and prohibited by the panchayat. On March 19, 2009, at a meeting of Khap Panchayat Sonia and Ved Pal were sentenced to death. On June 22, 2009 as requested by Sonia's parents Ved Pal and his family agreed to send Sonia to her home for a few days. After ten days elapsed with no word from his in-laws, Ved went to their village to get his wife back, but they refused to hand her over. On July 14, Sonia sent word through friends that she was being harassed, physically and mentally, by her family and that there was a threat to her life. Ved Pal then sought the help of the court again. He moved the High Court that gave him police protection to fetch his wife. Armed with a Punjab and Haryana HC order, Ved Pal then set out to bring back Sonia on July 22, accompanied by four policemen and a court official. When he reached Sonia's home her family refused to reveal her whereabouts. Meanwhile he spotted a mob of a hundred armed villagers approaching. Sensing trouble, Ved Pal locked himself in a room inside the house, but Sonia's family broke open the door and dragged him out. The policemen fled, even as the mob lynched Ved Pal in full view of a court official and the villagers of Jind, leading to his death.

Vedpal Mor was killed and lynched in front of a Police Force which had gone with him to protect him on the orders of the Haryana and Punjab High Court. None of the Police Officers were questioned or action taken against them for the failure to protect Vedpal's life. In month of July 2010 the SHO was fined a paltry sum of Rs 10,000 for his failure to protect Vedpal's life.

SKewed SEX RATIO AND INCREASING CRIMES AGAINST WOMEN AND CHILDREN.

The skewed sex ratio in the area has led to the worsening of the status of women in this region. The areas affected by these community panchayats and honour killings have the worse sex ratio. The sex ratio has reached to such an extent that legislative measures to stabilize the sex ratio will take almost fifty years. In this period the position of women will be marginalized and will be treated as a precious commodity. Already the region has been witness to large scale trafficking of women from eastern India (Sex Ratio Chapter) to meet the marriage market demands. We are already facing the situation where women are being traded as commodities. Anything which becomes precious is guarded and present day women in these areas will be guarded and the community will fight over them. The crime situation among children and women is seeing a tremendous increase.

It is ironical that most of the honour killings are happening in the areas where the sex ratio is low and girls are being bought for marriages. One thing is quite clear that the skewed sex ratio will have more devastating affect over the women in these regions. They will be susceptible to various push and pulls of the society and thus marginalizing them. The The women who will be few in number will be manipulated by the community and their will be a sort of competitive bidding. In a scenario where the Khap Panchayat are adamant to increase exclusion of certain gotras while marrying it will be increasingly difficult for boys to get married

THE HINDU SUCCESSIONS ACT AND PROPERTY ISSUES

The Hindu Succession Act amended in 2005 which mandated inheritance rights to daughters has led to greater insecurity among the land holding communities. This has led to a situation where the community feels that their daughters can bring in new stakeholders like a husband from another caste who can claim the right to the wife's claim. In an arranged marriage social pressures exist and the parents are assured that no such claim will come. In cases of contentious marriage there is always a lurking danger that the daughter can exercise the right of inheritance. This has led to the landed communities like the jats to devise means to negate the law on daughter inheritance by having very strict guidelines for the marriage.

INCREASE OF EDUCATION

The rise in education and development in the area and the growing urbanization have pitted a traditional generation against a new generation which exposed to the modern ways of life. This has brought a huge clash of generation in which the elder generation is consolidating its power through the khap panchayats and the community groups. The education among the girls which is slowly but steadily percolating at the grass roots must be supported by laws which enable them to exercise their fundamental rights. The education and awareness among the women and girls need to be supported by laws which protect them from a rigid and stubborn society which just doesn't want to let go its hold over women. A hold which the society has exercised for centuries. The laws need to be strengthened and the law enforcement agency and the state should play a enabling role. When women want to go forward and assert their aspirations the state and the laws should facilitate their aspirations and protect them from the feudal set up which have kept women bonded.

CHANGING THE MINDSET AND THE SOCIAL AWARENESS

Out of the sample of 600 persons (which includes rural & urban) interviewed 46% agreed that the Khaps were raising the right issues, 48% agreed with the Khap Panchayats on the gotra issues , 66% were against inter caste marriages , 54% agreed that they will react strongly to love marriages within their family, 92% disapproved the Honour Killings 71% disapproved the khap diktats and orders , 68% agreed that social mobilization is the key to fight feudal forces and 32% were in support for the new law to curb and combat Honour killings.

A large no of respondents were in favor of rule of law and stated that in no terms such bodies should be allowed and the government needs to legislate banning such bodies if they indulge in

illegal acts or against the rule of law. Even Article 19 provides us freedom for speech assemblies and form associations for legal purposes.

The lack of awareness of various guidelines issued by the courts on important issues has been felt and the government needs to provide such information on mass media so that laws are not manipulated by the law enforcement.

There are voices of dissent in the communities where Honour Killing has been reported. These voices have to be provided the strength to fight such divisionary forces from within the community. The growth of civil society in these regions needs to be supported. The agencies like the women and child department , social welfare department and the State Women's Commissions should work on these issues proactively .

THE NEED FOR THE LAW

It has been increasingly felt that there is a need for a Law on Honour Killings / Honour Crimes which will act as a deterrent.. There are big gaps in the current existing laws which need to be plugged. The law should be supplemented by social mobilization needed to fight such crimes. Making the crime of honour killing a separate offence would help bring more clarity for law enforcement agencies.

One of the proposals is to amend the Indian Evidence Act to put the burden of proof on the accused. Thus, the khap panchayat or the family members would be responsible for proving their innocence.

There would be joint liability under the proposed new law. The khap panchayat (or any group ordering honour killings and the person who carries out the killing would be jointly liable for punishment.

Presently there is no definition of Honour Killing/ crime or clarity. Since Honour Killings /Honour crimes are not separate crime and hence we don't have any data. Protection powers to the magistrate at the District level . New law will provide mandate for special police cell in each district to provide protection to couples. New law comes with a institutional machinery and the required coordination of all stakeholders. It will also mandate the different state government and the Centre to work on sensitization of the law enforcement agencies. The new law will mandate social initiatives and awareness to curb such violence through social means. The present procedure of getting a marriage registered is a long process. The complete process takes about 45 days. During this period a couple may be vulnerable. Steps need to be taken to simplify the registration process.

Having a special law can be deterrent.

NEED TO FOCUS ON GENDER ISSUES

Across Haryana, Uttar Pradesh and Punjab it has been increasingly felt that focus on gender issues are needed in the region. These are the regions where the patriarchal society has still

maintained its hold over women's lives. The concept of women movement and women's rights have still to reach over these regions. It is imperative for the state to focus on such programmes and projects which help in gender equity.

HONOUR CRIMES

Honour crimes should include all the crimes against women which are perpetrated by the community. Besides the killings taking place in Haryana, Punjab and Western Uttar Pradesh and the threat received by couples in contentious marriages there are other crimes of Honour which happen on hundreds of hapless women across the country. Women are paraded naked, stripped, branded as witches, dayans, assaulted and tortured. Many a times this happens in full public view with the full participation of community. The community / crowd. The hapless victims are tortured and the perpetrators of the crimes never face the law. The law as it stands today is clearly deficient to deal with such crimes against women in which the whole community takes part. We need to strengthen laws and also to bring in new laws which enable the prosecution of the active members of the community. There are many cases of women being branded witches, paraded naked, tortured in public which are very heinous offences of honour and hence need to be strengthened by a special law and to have stringent punishments. The National Crime Records Bureau documents 197 murders in 2005, 186 murders in 2006, 177 murders in 2007 and 175 murders in 2008 of murders due to which branding of women as witches.

HONOUR KILLINGS REPORTED FROM ACROSS THE COUNTRY

Out of the total 560 cases profiled by the study on Honour Crimes / Couples threatened the state wise details are as follows Haryana (190) / Punjab(283) / Uttar Pradesh (51) / Delhi (18) / Gujarat (3) / Tamil Nadu (30) / Andhra Pradesh (1) / Maharashtra (2) / Jharkhand (1) / Bihar (3) / Assam (1) /Uttarakhand(2) / Rajasthan(2)

No Response to “Honour Killings”