



Honour Killings, Human Rights And Khap Panchayats

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Received- 27.10.2020,

Revised- 01.11.2020,

Accepted - 04.11.2020

Abstract: *The United Nations is committed to the principle of equality of men and women, meaning equality in their dignity and worth as human being as well as equality in their rights, opportunities and responsibilities. In its work for the advancement of women, the entire united Nations system has dedicated itself to ensuring the universal recognition, in law, of equality of rights between men and women and to exploring ways to give women, in fact equal opportunities with men to realize their human rights and fundamental freedoms.*

Adultery, seduction, and enticement are all concepts that have their roots in the possession and control of a woman by the man to whom she belongs. These ideas have been fostered in the judicial system. In an effort to win back their daughters from the men their girls have chosen to live with, many fathers have resorted to accusing the other guy of kidnapping, abducting, and coercing their daughters into marriage in order to win their daughters back. Women who are murdered in the name of "honour" can be described as being victims of murders that fit the definition of "a woman is killed for her actual or imagined immoral behavior" (Hassan, 1999). These homicides are the direct outcome of the widespread belief that protecting one's honor compels one to take the life of a person whose actions bring shame on one's tribe or family.

The issue of violence committed in the name of honor has been given careful consideration by the United Nations. The General Assembly, in its resolution 55/6610 on working toward the removal of offenses against females done in the name of honor, requested the Secretary-General to submit a report to it at its fifty seventh session on the resolution, including on initiatives by States to work towards the elimination of those crimes. The

report was to include information on the resolution itself. The current report, which was prepared in response to that request, is the first report on the subject to be submitted by the Secretary-General to the General Assembly.

It is based, inter alia, on information contained in replies to a request of the Secretary-General for information on the issue received from Member States and United Nations entities, and is complemented by the report of the Secretary-General for elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly¹²; entitled "Women 2000: gender equality development and peace for the twenty-first century (A/57/171)"¹³, which has been prepared in response to General Assembly resolution 55/6814.

Indian khap panchayats on honour killing- In different parts of India, people traditionally adhere to a wide range of diverse regulations and customs, as well as varying degrees of restrictions on certain types of partnerships, with regard to marriage. In the middle of the division between north and south sits this particular marker. The majority of northern India's traditional marriage customs adhere to the principle of caste endogamy and follow the gotra system.

The majority of caste groups, whether upper or lower, are organized according to three or four gotras. It is forbidden for a person to marry inside his or her own gotra, nor with the gotra of the mother, nor

Key words-United Nations, equality of rights, fundamental freedoms.

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with the gotra of the mother's mother, nor in most cases with the gotra of the mother's mother. However, the most recent barrier is not universal, and the restriction itself appears to be loosening. In practice, marriage between first cousins of either the parallel or the cross variety is forbidden by the gotras regulations. In some situations, the notion of gotras is expanded by clustering many more gotras as represented in the same village into an exogamous bloc. This creates an exogamous bloc. Marriage between these gotras is prohibited or restricted.

There is a rule of territorial exogamy, which can be thought of as an extension of the principle of familial exogamy. Marriage within the same village, as well as marriage within any village that shares a boundary with one's natal village or within any village in which other clans of one's village are widely represented, is expressly forbidden by the majority of caste groups, such as the Jats. The cumulative impact of these principles of exogamy are such that, in addition to the three or four gotras that were described earlier, a significant number of gotras are required to be maintained outside of the ambit of marriage. In a considerable number of villages, particularly those that are close or that are located in the khap area, it is forbidden for the residents of a certain village to marry residents of other villages. In each and every one of these villages, the traditions and customs of the gotras that hold the dominant social position are observed by all gotras. If the gotras in these villages follow the tradition

of avoiding specific gotras for the purpose of marriage, then every other gotra in these villages will also follow this pattern of avoidance. The inclusion of village exogamy, which is observed by practically all caste groups, regardless of how high or low they are, as well as the presence of a significant exogamous gotras bloc, introduces a significant amount of complication to the marriage bans.

As a cultural translation, the principle of village exogamy means that all men and women of the same clan, the same localised clan, and the same village are bound by the morality of brother-sister, and as a result, both sex and marriage are prohibited between members of any of these units. Additionally, because all of these men and women are bound by the morality of brother-sister, the principle of village exogamy is referred to as exogamy. This pertains to the entire khap region, which consists of more than one hamlet and more than one gotra. It is important to note that in villages, titles such as "brother" and "sister" are sometimes used to refer to people who are not connected to one another. They encompass all males or females of the village of one's own generation, regardless of their caste affiliations, regardless of the fact that they go beyond the bonds of biological kinship. One of the most significant implications of the word "brother" is the idea that he is responsible for providing care and defense for his sister. Her honor is to be preserved, and he is not to dishonor it in any way. These prohibitions give rise to the

brotherhood, which, by denying the existence of any hierarchy, guarantees equality among all individuals. This is the community that fully exemplifies the ideal, both in terms of the caste and the village in which it resides. It is abundantly clear that the protection of the most revered cultural ideas, such as aika, izzat, biradari, and bhaichara, is dependent on the continuation of the traditional marriage prohibitions. The violation of these prohibitions is what prompts the biradari to deploy the customary means at their disposal, which can take the form of caste panchayats, village panchayats, or khap panchayats, in order to thwart attempts like these.

Traditionally, the biradari will use the traditional panchayat, or more accurately, one of a series of traditional panchayats, to settle a wide variety of disputes concerning caste and inter-caste matters, transgressions, and questions of property rights, inheritance, and disputes that threaten the peace of the village or the immediate region. According to its own definition, the panchayat regularly intervenes in cases involving questions of marriage and sexual affairs because these types of disagreements account for a large part of the total number of cases of this type. Traditional panchayats are still a significant factor in rural areas of northern India, despite the fact that virtually little is known about the functioning of these organizations in modern times. When there are disagreements over the terms of a marriage, the caste panchayat of the relevant biradari is the body that is tasked



with mediating the situation. Recent cases demonstrate the widespread use of the caste panchayat, which lacks legal legitimacy, in an effort to alter relationships and impose one that is to their liking. This involves subordinating the will of the individual or family to that of the village or collective, as well as giving the izzat of the village and biradari precedence over that of the individual.

The gravity of the Issue-

According to a research published by the United Nations Population Fund (UNFPA) in 2000, the annual global number of victims of honor-related homicides may reach as high as 5,000. According to Warraich (2005), in the Sindh region of Pakistan, honor killings claimed the lives of over 382 persons in just the year 2002 alone. Of those victims, 137 were men and 245 were women. According to The Dawn (2005), the normal figure of honor killings for the entirety of the country was stated to be said to be exceeded over ten thousands of times every single year. It was revealed in April 2008 that a Saudi woman had been murdered by her father a few months earlier for engaging in online conversation with a male friend on Facebook. The murder wasn't brought to anyone's attention until a Saudi cleric brought it up when speaking about the case in an effort to illustrate the discord that the website generates (McElroy, 2008). In the countries of the Middle East, including Jordan, which is regarded as being one of the most liberal, families frequently have sons who are considered to be minors, under the age of 18, to commit the

honor killings. This is because a loophole in the juvenile law permits the child to be the part of juvenile custody under the probation in the center, and they are released after getting the age of 18 with a spotless criminal history. In Jordan, the honor killings are considered to be one of the most common types of honor. In situations like this, it is necessary to keep a close eye on what they are doing, and they should be treated like any other youngster. (Hassan & Welchman, 2006).

Another well-known incident occurred in London in 2002 with a woman named Heshu Yones. After her family discovered that she had been the subject of a love song and began to speculate that she may have had a partner, the woman's father decided to take her life. A young woman's throat was slit in the town square of Sanliurfa, Turkey, since a love ballad was dedicated to her over the radio. This incident took place in the province of Sanliurfa (Turgut, 1998). It is not known how many women suffer permanent maiming or disfigurement as a result of attacks that do not rise to the level of murder.

The use of physical force to defend one's honor is widespread throughout a wide range of societies and civilizations (Faqr, 2001). On the topic of choice marriage, the openly recognized belief is permitted for a social order, in which it has been claimed that the concept of 'respect' needs to be protected in the male control over women and especially in the sexual conduct of women regardless of whether it is genuine, suspicious, or probable.

The term "crimes of honour" encompasses a variety of manifestations of violence against women, including honor killings, assault, and harassment. In addition, the term "crimes of honour" also includes the practice of During the 58th session of the United Nations Commission on Human Rights in 2002, a study titled "Cultural Behavior and Awareness of Violence Against Women" (E/CN.4/2002/83) was presented. The paper dealt with issues concerning violence against women. According to the research, cases of murder committed in the name of honor had been documented in a number of nations, including Yemen, Lebanon, Egypt, the Syrian Arab Republic, Morocco, Turkey, Pakistan, Jordan, and other countries in the Persian Gulf and Mediterranean. In addition, migrant groups in Western countries like France, Germany, and the United Kingdom had also seen honor killings. Countries like these include France, Germany, and the United Kingdom. There is evidence to suggest that family members can also use homosexual ties as a justification for carrying out an honor killing. Whereas in Jordan, a homosexual man was assaulted by his brother, and whereas in Turkey, Ahmet Yildiz, a homosexual student, was assaulted, later he died in the hospital, it was the outcome to print "Gay honour killing" by Sociologists.

It has been around for a long time and is currently quite relevant. The so-called "honor killings" have been receiving the majority of the attention from the



media. However, murder is not the only dishonorable act that may be undertaken in the name of a code of honor; it is just the most violent. Crimes committed for reasons of honor are driven by a desire to protect the reputation of a family or community. The offenders are mostly male relatives, and the victims are primarily female (fathers, brothers, husbands, and occasionally sons).

At the present time, there is neither an adequate nor a relevant definition of honour-based violence that can be used across cultures. This shouldn't come as much of a surprise given that any such definition would have to take into account opinions from both inside and outside the culture. However, the lack of a definition does not indicate that honor crimes do not occur, nor does it mean that they are exclusive to certain communities. The honor of a woman can be tarnished in a number of various ways, including engaging in relationships with people who practice different religions, engaging in relationships that are not sanctioned by the kin network, or engaging in sexual activity before being married. The 'honor' invested in control over women, and more specifically women's sexual behavior, control over economic and social resources, and property are frequently intertwined in these equations. Women's sexual behavior in particular is a focus of this control.

It should come as no surprise that the idea of honor can cover a tremendously extensive and all-encompassing range of topics

and activities; indeed, it already does. According to the beliefs of Coomaraswamy, honor is traditionally considered to reside in the bodies of women. Furthermore, as stated by Gill, "codes of honor determine the bounds of permissible behavior and even thought, and women sometimes need to tread cautiously to prevent infringement." It will be left to her circle of friends, her extended family, or the community at large to judge whether or not these largely unwritten honor codes have been broken. When rules are broken, there should be consequences, which could include being locked up, being prevented from attending school or having a job, being beaten, or even being put to death.

In accordance with the belief that the family is the asset and the property of the men and boys, women accept the practice of honor killing. On the other hand, it's possible that female authorities are motivated not by individual confidence in the misanthropic belief system of ladies as property, but rather by practical considerations related to running a business. On occasion, a mother will support a respect execution of a "culpable" female relative in order to achieve a particular purpose, which is to keep the family's regard first in the community. This goal is to keep the family respect first. In situations like these, where no one should make any assertions regarding the behavior of any female member of the family, "cleansing" the name of the family can be accomplished by eliminating the assumed female member. The

unwillingness of family members, other relatives, or community organizations to affirm is a common factor in circumstances where there is doubt. Both CEWLA (2006) and Shalhoub-Kevorkian (2006) underline the significance that is linked to female virginity as well as the subsequent imposition (or associated imposition) of virginity tests on females who are accused of having breached' family honor. According to Siddiqi (2006), Hoyek et al. (2006), and Sen (2006), the role of women family members in instigating or colluding with honour crimes, particularly in enforcing controls over marriage choices, and also in acts of violence, cannot be ignored. These authors state that the role of women family members in instigating or colluding with honour crimes is particularly important. In these particular circumstances, the rights of women to regulate their own lives, to freedom or opportunity of expression, association, advancement, and genuine respectability mean almost nothing at all.

Wilkinson's (2005) revealed that "there is a firm affirmative connection between cruelty against females, and females' social power requirement and impartiality; and a benchmark of improvement, related with entrée to fundamental assets, medicinal services, and human resources, as like, proficiency and ladies miss out not simply physically and financially, but rather fundamentally as a result of the fact that men who feel subordinated will regularly attempt to recapture a sense of



dominance". Within the context of an understanding of violence against women, Welchman and Hosain (2006) interpret the term "crimes of honour". Coomarswamy and Kois (1999) acknowledges "the fact that the structures that perpetuate violence against women are socially constructed. They also acknowledge that this kind of violence is a product of historical process, but that its manifestations are neither essential nor bound to a specific period of time".

The concept of "honor killings" is becoming more common, despite the fact that it is not exclusive to nations in which the majority of the population is Muslim. In this context, it is important to point out that a number of well-known Islamic leaders and scholars have voiced their opposition to this practice and made it clear that it is not sanctioned by any theological tradition (United Nations General Assembly, 2010). Both Sunni and Shia Muslim concepts of Baghi' (Rebel) pertain to family honor, and regulations relating to the treatment of rebels are governed by Ibadi and non-Ibadi schools of thought respectively.

According to the Shariyat Act, 1937 "Muslims belonging to different schools may inter-marry freely with one another and a mere difference of school of law such as Shiite or Sunnite, Hanafi, or Shafii, is entirely immaterial (Fyzee, 2005, at page 96). While honour killings find no sanction in the Quran, prophetic traditions, or law, these sources cannot be absolved of all responsibility for placing a greater share of the burden of maintaining

societal chastity on women. Though the Quran commands both men (Verse - 24.30) and women (Verse - 24.31) to "cast down their gazes and to protect their chastity, it specifically regulates only women's dress (Q. 24.31; 33.59). Yet it is a long stretch from these commands, which have the declared intention of protecting women from harassment (Q. 33.59), to the legal rules that allow men, especially husbands, to impose seclusion on women, forbid them from leaving the home, and limit their access even to other relatives. Human Rights Watch has observed: "In countries where Islam is practiced, they are called honour killings, but dowry deaths and so-called crimes of passion have a similar dynamic in that the women are killed by male family members and the crimes are perceived as excusable or understandable (Brown, 2002; cited in Mayall, 2002; cited in Sen, 2006)".

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