

HONOUR AND LOVE MARRIAGE: A SOCIOLOGICAL STUDY

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INTRODUCTION

Overview

This research studies honour and love marriages from the sociological perspective. Honour means high esteem and respect in the eyes of the society; a reputation, a prestige which a man or a family or any other established institution has in the society. A love marriage means a type of marriage where two individuals decide with or without the consent of their families to tie the knot of marriage. They usually break through the barriers of caste, community and religion.

Man is attached to the society not only socially but psychologically as well. They obey the social norms of the society not because they are obliged to follow that but because they have become moral obligations for them. The socio-cultural customs has a great control on the social thoughts and behavior of a man. By socialization, through the process of social cultural phenomena, the concepts of good, bad, honour, dishonor, moral immoral, etc has been embedded in the mindset of the people in which they tend to live. Thus they form their norms and their definition of honour within their socio-cultural values.

A study taken from the journal; International research journal of social sciences says that it has been seen in India, especially in Punjab that love marriages are seen as an act done against the honour of the family members which hurts their reputation and respect in the society and are executed as crimes against the society. The centuries old conformist mind set prevailing in the patriarchal society does not accept the girls to establish pre-marital relations or to find males of their own choices to marry with and they take this against their honour and pride.¹ One such crime which came up as a result of love marriage is honour killing. It is the result of the belief by the society members that the victim (the girl or the boy) has brought upon shame to the family or has violated the norms or principles of their respective community or religion usually by turning down the proposition of arranged marriage or marrying a person by his or her own choice.

This research paper will put the light on the love marriages and how it is taken in different parts of the country, is it related to honour or honour killing because there are places where love marriages are supported and it is related with increasing the honour of the family but places like

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¹ Satnam Singh Deol, "honour killings in India: a study of the Punjab state", International research journal of social sciences, vol. 3(6), 7-16, June(2014)

in Punjab and others, there it is considered as a crime and an act against the moral norms of the society and is often balanced by the crime- honour killing.

Scope and objectives

The scope of this research is limited to the extent of honour and love marriages in India, How it is associated with each other and the present status of love marriage in different parts of the country.

The objectives of this research are:

1. To understand the concept of honour with the help of sociological analysis
2. To understand the inter-connections between honour and love marriages

Literature review

Prem Chowdhury, "*Contentious Marriages, Eloping Couples*" Oxford University Press, 2007, Pg- 3

This book has explained the concepts of marriages and inter-caste marriages in brief which has been helpful for the topic. The author has tried to explain concepts of marriage and inter-caste marriages. It has been very useful in relating it with love marriages and problems cropping out of love marriages. The author has written the topics in a very comprehensive manner which seemed helpful for the topic. This book provides all the relevant details and facts useful for the completion of the research.

2. Amir H. Jafri, "*Honour killing; dilemma ritual, understanding*" Oxford university press, 1st edition

This book describes in brief the concepts of honour killing and honour. It has different interpretations of honour by different writers which are very useful for the topic. The author has written the topics in a very comprehensive manner which seemed helpful for the topic. This book provides all the relevant details and facts useful for the completion of the research.

Research questions

The research questions are as follows:

- What is the concept of honour and love marriage from sociological point of view?
- How honour and love marriages are inter-connected?
- What are the various causes and consequences of the this relationship?

Research Methodology

In this project, the researcher has adopted analytical and descriptive approach. This approach looks deeper into the problem, analyses it and resolves the root causes. Various types of books were used to get the adequate data essential for the project. Computer laboratory was also required to get important data related to this topic. Several websites found to be very useful to better understand this topic.

Chapter-1

Understanding Honour

Honour is the most cherished value in the Indian sub-continental patriarchal families irrespective of caste, regional and religious identities. Families gain and lose honour through money, power and improper behaviour of women. Emphasis on family honour is basic to the Indian social framework since the family still constitutes a very potent force in the social structure.² It is the duties of an individual within a social group. Margaret Visser observes that in an honour-based society "a person is what he or she is in the eyes of other people"³

According to Baker and others, "A person's honour depends on the behavior of others and that behaviour must be controlled". It means that other people's behaviour becomes a key component of one's own self-esteem and community regard.

According to Mernissi, honour is directly linked with family as it is the core unit that an individual identifies. Campbell says that in the Mediterranean societies, honour is the whole worth of family and it is symbolized through blood. Purity of bloodline bestows honour and is related to the chastity of a women. The honour of the family lies in the purity of a women. All decisions dealing with the women of the house are taken by the male members of the family and caste. This honour is shared by the whole caste, clan and community as the ties of the family extend to them as well. Once the family honour is damaged, then it becomes the responsibilities

² Vishwanath Jyothi, Palakonda C Srinivas, "Patriarchial ideology of honour and honour crimes in India" January – December Vol. 6 (1&2): 386–395

³ Doris, Jim (2003-01-05). "A conversation with Margaret Visser: diagnosing that feeling of helplessness". *Catholic New Times*. Retrieved 2011-03-10

of the male members to restore it. For that if blood is needed to be shed then that is also accepted.

According to PittRivers "honour provides nexus between the ideals of the society and their reproduction in the individual through aspiration to personify them".

Schneider understands honour in terms of power. According to him, it is the ideology of holding a group which struggles to define, enlarge and protect its patrimony in a competitive area. Honour is also about the social boundaries of a group which defends the claim against the competing groups. According to him, the interest for honour arises when the definition of the group is problematic, i.e., when social boundaries are difficult to maintain and when internal loyalties are questioned. For example, in Pakistan, social boundaries and ideas like loyalties among the kin are directly related to the concept of honour.

In a study done by Campbell in Sarakatsan, a Christian community in Greece, it was found out that the definitions of honour is different for men and women and contrasted one another. For men, honour was related to a condition of integrity and if that was violated accidentally or otherwise, then it should be responded at once and with violence if the question of reputation arises whereas for women, honour was related to shame, particularly sexual shame. As honour is something which is claimed by others always, so a women's reputation and respect depends upon the reputation that the community wants to give her and not upon the evidence of facts.

The fear of losing the honour of the family leads to violence and justify masculine aggression on the women. This often leads to supporting of caste divisions. Even if the family wishes to accept the inter-caste marriage concept, it is not allowed by the society to allow to settle the matter of inter-caste marriage affirmatively but they are forced to take the matter as a matter of honour by the community. If the family supports the marriage, the community takes effort to force them to boycott their daughter as she has gone against their preferred norms of marrying within the caste as a collective interest of the caste group. Basically, the concept of honour works at the cost of human emotions, sentiments and values.

A man's respect in the society depends upon the women's purity and respect. So it is expected that a woman will behave modestly so to save her husband's and in-law's honour. A classic example in this context is honour killing in Pakistan where sometimes the acts are perpetrated

on the slimmest suspicion of shameful conduct on the part of the women. Thus, a women should have shame if the manliness of the men is not to be dishonoured.

In Arab societies, it is found out by Ginat that if a women brings shame upon the family, the man of the family must respond immediately otherwise it is taken as if he is adding more shame and damaging the honour of the family.

Schneider agrees that code of honour and shame are central to the notions of the family, historically and immediately. In this respect, Kandiyoti says that any undesirable actions of a women which are different from the normal moral values can bring dishonour to the whole family, lineage and community. Radford suggest that honour, in a family is maintained by the males in the society. They dominate the women and treat them as an object so that they can have control over them. It is usually a women's behaviour which is questioned, blamed and scrutinized against the men's idealized constructions of femininity and standards of female behaviour. The most suitable example of this idea is the Pakistan's Shamia's case.

Honour is something that is achieved individually but it is shared. It belongs to the collectivity and transcends time. Fredrick says that honour consists of symbols, values and definitions in terms of which phenomena are conceptualized and interpreted.

Prohibition of inter-caste, inter-religious, intra-gotra marriages, inter and intra-regional marriages are an indication of forcible imposition of the male dominated hierarchical patriarchy rigidly segmenting the whole mankind into various mutually rival groups. The concepts of 'honour' and 'shame' operate to restore the male dominance which is presumed to have been compromised and endangered by the post-colonial legal empowerment of woman in India.⁴

According to Abu Odeh, honour crime means killing a women by the family or caste group members for engaging or suspected to be engaged in erotic practices before or outside marriage. This leads to harm in their honour and reputation. So in order to compensate it, the women is tortured to assault, confinement, imprisonment, etc. By invoking the twin notions of honour and dishonour, the families try to regulate the inappropriate behaviour of the woman. What is sacred and inviolable is izzat or ghairat i.e., honour and it is always presumed to be justified to kill and

⁴ Vishwanath Jyothi, Palakonda C Srinivas, "*Patriarchial ideology of honour and honour crimes in India*" January – December Vol. 6 (1&2): 386–395

die for honour . An action to uphold honour or izzat is always a male prerogative while women may only incite action.⁵ In India, a strong belief of honour and punishments given in violation to honor are seen in Northern India especially in Haryana where the people still clinches to the caste and kinship honour ideologies.

The notion of honour is only related to particular relations in which each individual plays social persona. When the actors are anonymous, honour is not involved.⁶ Honour is about the way in which an individual's name, his family's name is tied with. By protecting honour, the man raises the family name in the society.

A folk in Pakistan said, "Daulat khone par kuch nahi khota, sehat khone par kuch kho jata hai, ghairat khone par sab kuch kho jata hai".⁷This means that when wealth is lost, nothing is lost, when health is lost, something is lost and when honour is lost then everything is lost.

Chapter-2

Love Marriages In India: Problems And Perspectives

Love marriage is a term which is primarily used in South Asia, India, Pakistan, Bangladesh and Sri Lanka. It is a marriage which is decided upon the two individual with or without the consent of the parents or families. These marriages are generally against Caste, Community and religion barriers and hence are considered as socially unacceptable. Love marriages are considered as lack of social presence or acceptance. In the eyes of the society it is not considered as marriage at all. If a male marries by his choice, he is considered to be weak in character.

‘There is happy, socially acceptable love which leads to marriage and families, and there is unhappy, unattainable love, coupled in literature with suffering or death, the antisocial, engulfing passion, which sets people at odds with the world and their own social interests’.⁸

For instance in one of the popular top grossing Hindi film, " Hum apke hai kaun?" the sister of the heroine asks her brother-in-law, 'Prem' (the hero of the film), whether he wants love

⁵ Vishwanath Jyothi, Palakonda C Srinivas, "*Patriarchial ideology of honour and honour crimes in India*" January – December Vol. 6 (1&2): 386–395.

⁶ Amir H. Jafri, "*Honour killing; dilemma ritual, understanding*" Oxford university press, 1st edition, 2008

⁷ Amir H. Jafri, "*Honour killing; dilemma ritual, understanding*" Oxford university press, 1st edition

⁸ Sarsby, Romantic love,5

marriage or arranged one to which he aptly replies, 'It is a love marriage that you have to arrange'. This neatly sums up the concept of love marriage, which lies well within the parameters of traditional norms of caste/community as well as family approval.⁹

The mindset of the people residing in most parts of the country is that the girl should belong from the same community, economic background and caste so as to avoid any sort of conflict within the family. It was an presumed notion that a self-chosen bride will not be able to adjust to the way of living of the groom's family and it may bring shame and a matter of dishonour upon the groom's family. The other fact is that the bride is always expected to be married off to a groom of higher caste than them. So if the bride chose her own groom, the person may not belong to a higher caste and that is again a matter of dishonour for the family which in many situations may lead to honour killing in order to save the prestige, honour and name in the society.

The film industry in India has expanded in the recent times as there is a plethora of choices available to the audiences. Their structures and systems have also undergone a sea change with new innovative concepts and truths trying to portray through the films to reveal the truth and one such genre of films are the romantic films which portray the actual scenes that happen round the world in many places when love marriages or marriage by self choice occur. The film industry has been able to transcend borders and look at issues more holistically. Hence, these developments are bound to affect the manner in which a person has the conceptions of the acceptance of self chose bride or groom.

Hindi commercial cinema – colloquially known as 'Bollywood', is now the focus of rapidly escalating interest both amongst the youngsters or media and in the academic community. Skillfully choreographed dances, moving songs, aesthetically pleasing or lavish sets and costumes and the plots that are mostly taken from the conceptions of the people about the things happening round the world and characters have invited the attention of newer and wider audiences and, in tandem, given rise to literature that seeks to explain, or to explain away, the popularity of Hindi films. Films are believed to be the opium of the Indian masses as people rely on this medium to help them escape to a world of fantasy and to show the reality of the

⁹ Prem Chowdhury, "*Contentious Marriages, Eloping Couples*" Oxford University Press, 2007, Pg- 3

surroundings. In a very explicit way, cinema has shaped the cultural, social and political values of people of this country¹⁰.

Based on many research works, the researcher has adopted to explain the concept of love marriage and its acceptance from the perspective of film industry. From an interview about films to the people published in a leading magazine, it is considered that films actually portray the reality of the world because usually honour killings and situations that rise after choosing a partner by self choice is not witnessed live. Most of the times, the perspectives that are formed are the ones which gets imbedded in the mind either after reading newspaper or by watching films and based on that it is inferred what reactions can be usually expected from love marriages even leading to honour killing. A classic example of love marriage leading to honour killing is 'NH10' which is based on a road trip of national highway connecting Delhi with Punjab. This film is an acute example of love marriage where the main problem that is shown is that the boy belonged from a lower caste and was poor as compared to the girl as the girl belonged from a family where her mother was the panchyat of the village. Basically, here, it is considered that the girls are a property for the family and they are married off to those family with whom they can gain in some or the other way. In this film it is shown that a girl falls in love with a boy of low caste and who is not wealthy and what usually happens, the family does not accept their love and more over they get furious on the fact that how can a girl have such audacity to love a boy and their run away with him. This led to brutally killing of the boy and the girl "pinky", honour killing.

Talking about how the films show about the conceptions of love marriages in the Indian society, there are many bollywood films but to name a few, the researcher had taken, "Rishtey", Gollyon ki Raasleela Ramleela, and Bombay.

Talking about Rishtey, differences in financial status is shown where the girl, Komal is daughter of a wealthy father and she is in love with Suraj, a middle class youth. Their relation is not accepted by the family because of the differences in the society and the father applies all the ways to separate them. Thus, from this an idea can be drawn about the reactions of the family towards a love marriage. This is the way how the world is aware about the notions towards

¹⁰ Nidhi Shendurnikar Tere, Gender reflections in Mainstream Hindi Cinema, Global Media Journal, June 2012, vol.3/no.1.

love marriage. Financial difference is a major reason that leads to honour killing besides caste differences that make the family members think that their daughter or son has brought shame and dishonour to the family and harm to the reputation. To save their respect and honour in the society they either disown their children or kill them and adding to that they take pride in doing that.

Golliyon Ki Raasleela Ramleela is an Indian Romantic Tragedy film set up in Gujarati village of Ranjhar dealing with the two rival castes, Rajadi and Sanera which is infamous for its uninhibited manufacture and sale of arms and ammunition and is in rival terms with each other for past several years. Ram and Leela fall in love with each other but their family is at the verge of killing each other and not accepting their feelings for each other. It is a typical example of the caste differences in love marriage. It is at the end when it is seen that the mother of Leela, Dhankor, is happily ready to accept their love but it is too late as they both kill each other so that they can die together if not live together. There are many cases which everyday come in the news that the caste differences lead to killing of the couples by their family members.

Bombay is an Indian drama film which shows the differences in religion between Shekhar, a son of orthodox Hindu and Shaila, a daughter of a Muslim. They both fall in love with each other but needless to say their love is not accepted by their family because of the differences in religion they belong from. This also leads to fight among the two families because of their relation. But they run away.

Thus, all these movies show that films had either created the image of reacting such in case of self chose marriages or have just shown the reality of the world because it happens very less when such cases of honour killing or torturing daughter to save their reputation and respect in the society can be lively witnessed. the films create an artificial world of fantasy but showing the harsh realities of life. The concept of love marriage is also portrayed very nicely so that it does not hurt the sentiments of the people.

The problems that usually crop up in love marriage is the acceptance of the family. The family members is more concerned with the reputation and honour of the family. The family honour usually lies with the females of the house and if it is broken, the only way to resolve it is by dishonoring that member of the family and that happens by killing. The more astonishing point is

that the family members take pride in doing so because according to them they are reestablishing the honour in the eyes of the society and that can be done by shedding blood. This mainly happens because either the boy or the girl belongs from different caste or lower in caste than each other or even if they belong from same gotra, they are considered to be brothers and sisters and such marriage are prohibited according to them and thus leads to honour killing as seen in the case of Dharmender Barak and Nidhi Barak honour killing case. Other than any problems have emerged so much, the caste based differences is one of the major problem and perhaps the only problem which is stealing the limelight of honour crimes these days

The other problem is the influence of the society on the family. For everyone almost, the reputation, respect and honour in the eyes of the society matters because it is they who create the social norms of what is right and wrong. It is not everytime that the relation between the boy and the girl are taken as crime by their families. In some cases, the family support such relation but it is the society who take it as a crime and has set such standards of marriage. This is very much evident from the recent case of N. Ashitha and Shakeel Ahmad case. This case deals with inter-religious marriage in Mandya district of Karnataka with took place in April of 2016. The families of both, the boy and the girl did not have any problem with their relations as the two families shared close relations with each other. The day of their marriage, the society people, especially, BJP, Bajrang Dal and Vishwa Hindu Parishad, activists launched statewide campaigns against them, including a Bandh in Mandya. Their notion was that this inter-religious marriage could lead to love Jihad which means that the Muslims marry Hindu women so as to convert them to Muslims.

The other problems emerging in a love marriage could be the differences in financial status of between the girl and the boy which could be fairly termed as power inequality. The differences in financial status gives power in the hands of the rich and so they think their status does not match with those who are financially not stabled. They consider it as a matter of dishonour and disrespect to marry their daughter or son to that of a person who is not at par with their status and to uphold the respect and status in the society they disown their child leading to honour killing.

Chapter-3

Honour Killing And Love Marriage

Reported cases of “honour killing” are greeted with expressions of abhorrence which whilst understandable do not provide a sound basis for addressing this sociologically predictable phenomenon. An honour killing of a woman by a male relative is not an individual act of violence, but one which is collective, planned, sociologically predictable, and socially approved by both men and women in the family and community concerned. Responses in terms of condemnation of male violence and the provision of shelter for vulnerable women are neither adequate nor effective.¹¹

According to UN reports, violence toward women is the most common cause of death for women 15 to 44 years old. One form of violence toward women is known as “honour killings”.¹²

Honour killing is a form of violence, that is almost without exception directed towards women. It is a murder which is an intentional, often especially malicious act with few causes, that is, however, judged by family and society as a legitimate killing of a girl or a woman by a family member, when she is suspect of breaking the family honour code. The tarnishing of the family honour occurs through an extra-marital or premarital relationship, through the suspicion of adultery or a premarital relationship, or also through the general moral misbehavior of a woman. Honour killings happen intentionally because as a rule the death of the girl or the woman is decided in a sort of family court, but the victim is not told the verdict. The act is most often done by a male relative, maybe even a brother, brother-in-law or father. Often a minor will be chosen as the perpetrator so that in case of legislative consequences, the punishment will be lessened¹³. Honour killing, also known as honour murder is the killing of a member of a family or social group by other members, due to the belief of the perpetrators that the victim has brought dishonor upon the family or community. Honor killings are directed mostly against women and girls, but have been extended to men. In other words it is defined as a death that is granted to a woman of the family for marrying against the parent’s desires, having extramarital and

¹¹ Dr. Jane Haile, " Honour killing its causes and consequences: suggested strategies for European parliament, European Parliament, December 20,2007.

¹² Honour killings, Ehrenmorde, www.islaminstitut.de

¹³ Honour killings, Ehrenmorde, www.islaminstitut.de

premarital relationships, marrying within the same gotra or outside one's caste or marrying a cousin from a different caste. The honour code plays a large role in patriarchal influenced societies. The "honour and shame" culture is widely spoken of in anthropology. The highest goal is to avoid losing face and to uphold the family honour. Ones' reputation must be bettered and every form of humiliation must be avoided. . As the honour of the family is largely based upon the bodily purity of the women of the family, the honour can only be made clean through a loss of blood from the suspected guilty party. The offensive form of the honour code is defined through the Arabic word "sharaf" and means the numerous acts and behaviors through which a good reputation is increased. These include generosity, courage and respectful behavior to others.¹⁴

This is a practice that spread over such a large geographical area that cannot be isolated. While statistics are hard to come by due to non-reporting of such crimes, in 2000, the United Nations Population Fund (UNFPA) estimated at 5,000 the number of women who had been victims of honour crimes each year throughout the world. But, according to most of the organizations who have been keeping a watchful eye on the situation, the real figure could be three to four times greater. It shows that women have no choice in her life. According to Amnesty International, honour killings are the most widespread in Pakistan. A report by the Human Rights Commission of Pakistan (HRCP) states that 647 women were killed in the name of "honour" in 2009 -- up by 13 per cent from 2008 when 574 such killings were reported. A June 2008 report by Turkey's Human Rights Directorate says that in Istanbul alone, there is one honour killing every week and over 1,000 were killed during the last five years. It is said that more than 1,000 young people in India have been done to death every year owing to 'Honour Killings' linked to forced marriages and the country needs to introduce stringent legislation to deal firmly with the heinous crime. So far, there is no specific law to deal with honour killings. Many such killings are happening with regularity in Punjab, Haryana and western Uttar Pradesh. These are socially sanctioned by caste panchyats and carried out by mobs with the involvement of family members. Causes of Honor Killing.¹⁵

¹⁴ Honour killings, Ehrenmorde, www.islaminstitut.de

¹⁵ Dr. P Neeraja, 'Honour killing: an insane to human mind' International journal of scientific research, vol.2,november 2013.

Women are often subjected to violence due to the prevailing cultural norms and socialization patterns in South Asia in general, and in India in particular. Despite India's efforts to pursue several policies for empowering women, violence against women is widespread. In India where almost half of the population is women, they have always been ill-treated and deprived of their right to life and personal liberty as provided under the constitution of India. Women are always considered as a physically and emotionally weaker than the males, whereas at present women have proved themselves in almost every field of life affirming that they are no less than men due to their hard work whether at home or working places. The National Crime Records Bureau shows that the West Bengal and Andhra Pradesh have earned the dubious distinction of leading a list of states where crime against women in 2011 was highest. With 7.5 per cent share of the country's population, West Bengal accounted for nearly 12.7 per cent of total crime against women by reporting 29,133 cases and Andhra Pradesh, accounting for nearly 7 per cent of the country's population, recorded 12.4 per cent of total crime against women with 28,246 cases.¹⁶

Every year around the world an increasing number of women are killed in the name of honour. Relatives, usually male, commit acts of violence against wives, sisters, daughters and mothers to reclaim their family honour from real or suspected actions that are perceived to have compromised it. Due to discriminator social beliefs and extremist views of gender, officials often condone or ignore the use of torture and brutality against women. As a result, the majority of so called honour killings so unreported and perpetrators face little, if any, consequence.¹⁷ It is hard to believe that in the 21st century that too in the largest democracy of the world, families murder their kith and kin for allegedly saving their honour. But the question to be asked is this, is there any honour is killing? The concept of law that each man may do what he likes, provided he does not injure the equal freedom of others has been central to legal theory. As conditions of existence vary among different peoples and times, so do the principles of ethics and law. In any society there is a close connection between social morality and the legal order.

The incidence of honour killings is presumed to increase in situations of economic crisis or conflict, or where traditional patriarchal values are under threat as for example when minority

¹⁶ Dr. P Neeraja, 'Honour killing: an insane to human mind' International journal of scientific research, vol.2,november 2013.

¹⁷ Vipin Kumar Singhal, 'Honour killing in India: an assessment', Indian council for social science research, March 7, 2014

communities where honour killings are tolerated come into contact with mainstream societies which do not share the same views of appropriate gender roles. A woman in an immigrant community who is threatened by honour killing by her family is usually discriminated against not only on the basis of gender but may also encounter further ethnic, racial and gender prejudice if she seeks help from the police. It has been estimated that 5,000 girls and women are killed every year by male family members for the sake of honour. Between 1993 and 2003 police identified 109 honour-related crimes across U.K. and Europe¹⁸. In Jordan it is estimated that between 25 and 40 women are killed each year in the name of honour¹⁹. In the region of Punjab which straddles the India-Pakistan border the number of honour killings committed within both Muslim and Hindu communities in 1998 and 1999 was estimated at 888 each year by one source whilst another gave a figure for 1999 of 278. The figure of 1000 women killed each year is often cited for Pakistan.

In spite of strict caste endogamous rules in India, inter-caste marriages are a regular feature. The rules of marriage within the caste were established in the post Aryan period when caste became hereditary. In the post-Vedic period, the rights and privileges of women came to be restricted. In the fifth century A.D, selection of partners by the girls without being authorized by their guardians was regarded as unmannerly but After the 10 century A.D, they came to be further disapproved due to the widening cultural differences between the Brahmins and the other castes. Amidst conflicts and opposition, instances of inter-caste, inter-religious marriages have been on the rise in the post-colonial India due to westernization and woman empowerment. Though these marriages are constitutional, there exists no social acceptance for them. Prohibition of inter-caste, inter-religious, intra-gotra marriages, inter and intra-regional marriages are an indication of forcible imposition of the male dominated hierarchical patriarchy rigidly segmenting the whole mankind into various mutually rival groups. The concepts of 'honour' and 'shame' operate to restore the male dominance which is presumed to have been compromised and endangered by the post-colonial legal empowerment of woman in India.²⁰

¹⁸ Reported in the guardian newspaper, October 4th,2006.

¹⁹ Becker, J.N. Crimes of Honour: Women's Rights and International Human Rights Law – School of International Training, International Studies, Geneva Switzerland, 2004.

²⁰ Vishwanath Jyothi, Palakonda C Srinivas, "*Patriarchal ideology of honour and honour crimes in India*" January – December Vol. 6 (1&2): 386–395

Whenever, a young couple elopes for marrying according to their own will, usually the girl's family tries to criminalize their action and contest their decision of marriage. It is alleged that the girl is a minor and charges of kidnapping, abduction, wrongful confinement or rape is slapped against the boy and his family members are charged for harassing her so that they do not marry each other. For the loss of their family's honour, the honour of the offending family is attacked. This strategy is adopted to force the would be married couple to surface or to withdraw from the much disputed marriage. After surfacing, in majority of the cases, they run the risk of humiliation, physical injury, death and decisions of caste panchyats. Death penalty is regarded a valid method of retrieving the lost honour. At times, the woman is pressurized by her family to support their case of kidnapping or is sometimes solitarily confined by the family members or is sent to the state run protective homes. For re-establishing the family honour, presumed guilty girl or woman must be retrieved and punished and cannot be disowned. Usually absorbing her back into the traditional biradari network being a difficult task, her physical elimination appears to be a better honorable option open to her family. She is made to take the stigma which can be removed only by extinguishing her i.e., the object of dishonour. On the contrary, no stigma attaches to the perpetrators of the honour crimes by the society who are absolved of their guilt on the premise that sacrificing the natural bonds of love and kinship for preserving and restoring honour purifies the family.²¹

The National Commission for Women study, still underway, shows that of the 326 cases of conflict surveyed so far nationwide, 72% were because the couple crossed caste barriers and only 3% were because the couple were from the same gotra. "Women are making their own choices and in a patriarchal set-up this causes problems. Hence, the honour killing has become common in many parts of our Indian country particularly in Tamil Nadu."²²

Honour killings have been reported highly in northern regions of India, mainly in the Indian states of Punjab, Rajasthan, Haryana, Uttar Pradesh, as a result of people marrying without their family's acceptance, and sometimes for marrying outside their caste or religion. In some other parts of India, notably West Bengal, honour killings ceased about a century ago, largely due to

²¹ Vishwanath Jyothi, Palakonda C Srinivas, "*Patriarchal ideology of honour and honour crimes in India*" January – December Vol. 6 (1&2): 386–395

²² S Muruganathan, Honour killing the Menace- A case study in Tamil Nadu, International Journal of Management Research and Social Sciences, Vol.1, Issue. 1, October- December-2014

the activism and influence of reformists such as Vivekananda, Ramakrishna, Vidyasagar and Raja Ram Mohan Roy²³.

There are various reasons why people or family members decide to kill the daughter in the name of preserving their family honour. The most obvious reason for this practice to continue in India, albeit, at a much faster and almost daily basis, is because of the fact that the caste system continues to be at its rigid best and also because people from the rural areas refuse to change their attitude to marriage. According to them, if any daughter dares to disobey her parents on the issue of marriage and decides to marry a man of her wishes but from another gotra or outside her caste, it would bring disrepute to the family honour and hence they decide to give the ultimate sentence, that is death, to the daughter. Now as has become the norm, the son-in-law is killed as well. Sociologists believe that the reason why honour killings continue to take place is because of the continued rigidity of the caste system. Hence the fear of losing their caste status through which they gain many benefits makes them commit this heinous crime. The other reason why honour killings are taking place is because the mentality of people has not changed and they just cannot accept that marriages can take place in the same gotra or outside one's caste. The root of the cause for the increase in the number of honour killings is because the formal governance has not been able to reach the rural areas and as a result.²⁴ It is a misconception that people have most of the honor killing occur in rural areas but it is spread over such a large are that it cannot be isolated to rural areas only but it is a fact that most of the killings happen in rural areas. Places likes Delhi, Punjab, Uttar Pradesh, Haryana, Bihar are not fully safe of crimes like honour killing because there are many crimes reported in these places.

The honour crime also violates Article 14, 15 (1) & (3), 19, 21and 39 (f) of the Constitution of India. Even today there is no legal definition of honour crime in India. In the Indian Penal Code, penalties for such crime find ground in sections 299-304, 307, 308, 120A and B, 107-116, 34 and 35²⁵. However, this huge number of penal provisions has proved inefficient to deal with this

²³ S Muruganathan, Honour killing the Menace- A case study in Tamil Nadu, International Journal of Management Research and Social Sciences, Vol.1, Issue. 1, October- December-2014

²⁴ Sango Bidani " Honour Killing in India- An in depth study", Youth ki Awaz

²⁵ S Muruganathan, Honour killing the Menace- A case study in Tamil Nadu, International Journal of Management Research and Social Sciences, Vol.1, Issue. 1, October- December-2014

social evil. The criminals more often get away with murder, torture and violation of laws. And they continue to commit such social evil with liberty.²⁶

One popular case of honour killing is the Manoj-Babli honour killing case where an Indian Newlywed Manoj Banwala and Babli, in June 2007, was brutally murdered by the relatives of Babli, especially the grandfather who was a Khap Panchyat leader. The killing was ordered by the Khap panchyat because of the differences in caste among the jats in the Karora village in kaithal district, Haryana. The Khap panchyat passed a decree by prohibiting marriage against societal norms. Such caste based councils are common in the inner regions of several Indian states including Haryana, Punjab, Western Uttar Pradesh, Parts of Rajasthan and Bihar and has been operating with the approval of the government for years.²⁷ The Khap panchayat's ruling was based on the assumption that Manoj and Babli belonged to the Banwala gotra, a Jat community. and were therefore considered to be siblings despite not being directly related and any union between them would be invalid and . Nevertheless, the couple went ahead with their marriage, following which they were abducted and killed by Babli's relatives. In March 2010 a Karnal district court sentenced the five perpetrators to be executed, the first time an Indian court had done so in an honour killing case. The Khap head who ordered but did not take part in the killings received a life sentence, and the driver involved in the abduction a seven-year prison term. According to Home Minister P. Chidambaram, the UPA-led central government was to propose an amendment to the Indian Penal Code (IPC) in response to the deaths of Manoj and Babli, making honour killings a "distinct offense".

Karnataka has allegedly witnessed 13 'honour killings' in 10 cases since 2011, the latest being the murder of K.M. Monica (19) at Thimmana Hosuru village in Mandya district. Monica was allegedly killed by her father, Mohan Bevooragowda, with help from relatives for eloping with a Dalit boy.

On September 6, 2012, Naveen Kumar was allegedly killed by his relatives for marrying an upper caste women near Anekal near Bangalore.²⁸

²⁶ S Murugananthan, Honour killing the Menace- A case study in Tamil Nadu, International Journal of Management Research and Social Sciences, Vol.1, Issue. 1, October- December-2014

²⁷ "All for honour" Frontline 24(14). 14-17July, 2007. Retrieved 8 April, 2010.

²⁸ The Hindu, National: Karnataka, Mandya 6th April,2016

On march,13 2012, Smruthi was allegedly killed by brother Alanahali layout in Mysore for marrying a Dalit.²⁹

Bhavna Yadav honour killing case. They were murdered by the parents of Bhavna Yadav for marrying Abhishek , a boy of different caste. As Bhavna was from Yadav caste, the boy was a Punjabi.

An acute example of honour killing is the case of the Rohtak couple, Dharmender Barak and Nidhi Barak. The girl was lynched by her own family and the boy was publicly beheaded in Haryana's village Gharnavati, 80km away from the capital as they both belong to the same village which meant being brothers and sisters. The father of the girl, Bilu says, "I have no regrets. I'll do it again if I have to," The parents of Dharmender Barak, 23, have not even filed a police complaint against those who murdered their son - they say the pair got what they deserved. So do others in the village. "If my daughter did this, I would have killed her with my bare hands, no matter what happens to me," said Roshni, a villager.³⁰

Chapter-4

Conclusion

Violence against woman clubbed with the prohibitions on marital choice is a total negation of her rights. Since, the right to choose life partner at the time of marriage constitutes an integral part of her right of self-preservation, majority of the International Conventions, Declarations and Protocols fall in line by emphasizing that her consent and choice in the matters relating to marriage should be weighed and prohibit resultant violence against her due to the difference of opinion in these matters.³¹ The maiden attempt specifically addressing the issue of honour crimes against women at the international level has been the adoption of Resolution 55/66 by the General Assembly explicitly identified the crimes based on the human right issue and clearly voice the obligation of the State parties to exercise due diligence to prevent, investigate and punish the perpetrators of such crimes and provide protection to the victims. Again, the

²⁹ The Hindu, National: Karnataka, Mandya 6th April,2016

³⁰ NDTV news channel. Deepshikha Ghosh, September 20, 2013

³¹ Vishwanath Jyothi, Palakonda C Srinivas, "*Patriarchial ideology of honour and honour crimes in India*" January–December Vol. 6 (1&2): 386–395

Committee on the Elimination of Discrimination against Women emphasized the need to enact legislation for removing honour as a ground of defense in cases of assault or murder of a female family member. Inter-caste marriages have been validated in India as early as in 1949 by the Hindu Marriages Validity Act, 1949. The Special Marriage Act, 1872 and 1954 legalize marriage between members of different castes and religions. Hindu Marriage Act, 1955, diametrically against the customary marriage rules in India, offers more freedom in marriage by doing away with identification of marital partners according to caste and permits both sagotra and inter-caste marriages. Preventing a woman from marrying a person of her choice is an emotional abuse under the Protection of Women from Domestic Violence Act, 2005. Despite these laws, violence against women in the name of honour is on the rise. Honour crimes in the name of family and caste honour and ethnic culture are the most degrading human act and the woman continues to suffer due to the utter failure of the criminal justice system and inadequate protective measures.³²

Thus, it is seen through many examples and cases that only to save the respect and honour in the society, the family can even kill their child. The main problems that crop up for Honour killing is the caste based differences which is seen in most parts of the country. It is a misconception that such killing happen only in Muslim dominated countries. It is true that it is maximum in Muslim dominated countries but there are also honour killing cases in parts of India like Haryana, UP, Bihar, Rajasthan as mentioned above.

With the developments of technology and inventions of new concepts, the rigid beliefs that earlier held a great value and dominated the society are changing in most parts of the country but some places are still rigid about their beliefs. One such belief is about marriage. Even today in most parts of the world, the honour of the family is connected with the daughter, more specifically their purity of the blood. If they break the norms prevailing in the society, they are considered to have brought shame and dishonour to the family thus leading to harming the reputation in the society. Therefore self-chose pairs are not allowed in many places are they are considered to bring dishonour to the family because either the boy or the girl belong from either from low caste or is poor or belongs from different religion from the other.

³² Vishwanath Jyothi, Palakonda C Srinivas, "*Patriarchial ideology of honour and honour crimes in India*" January – December Vol. 6 (1&2): 386–395

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