

## Honour Killing – A Case Report and Review

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### Abstract

According to statistics from the United Nations, one in five cases of honour killing internationally every year comes from India. Of the 5000 cases reported internationally, 1000 are from India. Nongovernmental organisations put the number at four times this figure. They claim it is around 20,000 cases globally every year. Honour killings are murders by families on family members who are said to have brought shame on the honour and name of family. These acts of killing women are justified on the basis that the offence has brought dishonour and shame to family or tribe". 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. The patronage of the community and the leniency of the law have made the honour killings frequent trend which possesses socio-cultural legitimacy as well.

Intolerance of the families to the pre-marital relationships and matrimonial choices of their daughters especially towards inter-caste marriages results into the honour killings. The extent of these causes, resulting into elopements and unpermitted love-marriages further aggravates the situation. Honour Killings are a clear violation of human rights and States necessarily need to protect individuals from such violations. Herewith we reviewed a case of honour killing.

**Key Words:** Honour Killing, Autopsy & Human Rights.

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### Introduction

Honour killings are acts of vengeance, usually death, committed by male family members against female family members, who are held to have brought dishonour upon the family. A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce even from an abusive husband or (allegedly) committing adultery. The mere perception that a woman has behaved in a way

that "dishonours" her family is sufficient to trigger an attack on her life<sup>1</sup>.

Honour killing has been widely reported in countries such as Iran, Turkey, Afghanistan, Iraq, Saudi Arabia, Egypt, Palestine, Jordan, Bangladesh, Algeria, Brazil, Ecuador, Morocco, Israel, Ethiopia, Somalia, Uganda, the Balkans, Sweden, Holland, Germany, Italy, Yemen, India and many more countries.<sup>2</sup>

It is estimated by the United Nations Population Fund that as many as 5,000 women and girls are killed by the members of their families and/or relatives each year for the sake of honour around the world.<sup>3</sup>

Honour violence is often premeditated and planned by several family members.<sup>4</sup> People who commit honour violence believe that their

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conduct is justified and receive support from their community.<sup>5</sup>

If a woman refused to comply with the rules set down by her cultural community, her 'immoral behaviour' contaminated the whole family. If other strategies to make the women comply failed, the only remedy was for her male relatives to kill her in order to protect the family honour. Thus, the murders were culturally sanctioned and designed to uphold a specific moral order.<sup>6</sup>

### Case Review

A foul smelled gunny bag was recovered by police, on opening various dismembered body parts of female cut into multiple pieces were found (Fig. 1). Deceased body that of female age about 19 to 20 years. Face was mutilated to conceal identification. Palmar aspects of hands show henna designs. Hymen shows fresh tears suggestive of recent sexual intercourse (Fig. 2). Neck shows multiple abrasions and contusion externally and internally neck structures were contused diffusely with hyoid and thyroid

cartilages fractures (Fig. 3). Post mortem amputation of body done at shoulder joints, elbow joints, hip joints, knee joints, transection of abdomen at T12-L1 level and decapitation of head to facilitate transport of body. Rigor mortis well developed at temperomandibular joint. Lividity sparsely appreciated at back surface and fixed. Time since death estimated was 24 hours prior to autopsy examination. Toxicological analysis was negative. Cause of death was Asphyxia as a result of manual strangulation.

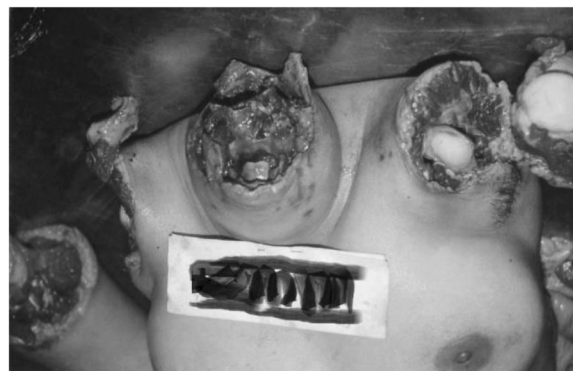
With these findings police interrogated deceased girl's parents who lodged missing complaint. Facts revealed that girl has married (Inter- religion) with boy against wishes of her family. Two days after marriage girl was invited to parent's home. Parents and brother assaulted and strangled the girl. Body parts were cut into 11 pieces, packed in gunny bag and thrown in remote place. Parents and brother were charged for murder and punished with life imprisonment by honourable Session's court.



**Fig.1 Corpse in 11 pieces**



**Fig.2 Shows Recent Hymen Tears**



**Fig-3 Shows Diffuse haemorrhage in neck structures with laryngeal cartilage fractures**

## Discussion

According to statistics from the United Nations, one in five cases of honour killing internationally every year comes from India. Of the 5000 cases reported internationally, 1000 are from India. Nongovernmental organisations put the number at four times this figure. They claim it is around 20,000 cases globally every year.<sup>7</sup>

In the south Asian continent some scholars claim the practice originated with various Baloch tribes of Baluchistan and spread to other countries as they migrated to different parts of the country. Colonial records on the then Baluchistan clearly mention the custom of honour killing.<sup>8</sup>

Amnesty International observes that “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”.<sup>9</sup>

Robert Kiener claims that the number of 5,000 honour killings is thought to be gross under count and the figure is closer to 20,000 per year worldwide.<sup>10</sup>

Honour Killing is the homicide of the female member of a family or her paramour or both of them by the family members of the girl, due to the belief of the perpetrators that the deceased had brought dishonour upon the family or community. Honour killing are directed mostly against women and girls, but have been extended to men.<sup>11</sup> Men can also be the victims of honour killing by the family members of the woman with whom they are perceived to have an inappropriate relationship.<sup>12</sup>

The major causes for honour killing include: Inter-caste or inter-religious marriages, opposition to pre-marital and extramarital relationship between male and female, restriction of females to select the spouse of their own choice. Honour killing can be caused even when a female is found indulged in verbal conversation with any male who is not relative; submissive to extra-marital sexual relationship, or willing to marry a man of her own choice. In most of the cases, even a suspicion, and not an evident

confirmation of the woman's involvement into any of these transgression can be enough to murder them.<sup>13</sup>

Entering into a wedlock within the same gotra or outside one's caste or with a close relation from a different caste<sup>14</sup> unacceptable behaviour of women which may include resisting the proposed dress code, meeting men not related to her, defying father or brother,<sup>15</sup> seeking a divorce, or disobeying her husband<sup>16</sup> and even rape victims are perceived as have brought disgrace to the honour of the family and the community.<sup>17</sup>

Relationships within same village, family intolerant to relationships also important cause,<sup>18</sup> as culturally translated, the principle of village exogamy means that all men and women of the same clan, the same localized clan and the same village are bound by the morality of brother-sister and, therefore, that both sex and marriage are prohibited between members of any of these units.<sup>19</sup>

Resistance of the girls to the forced marriages causes domestic violence against them. If the girls elope away and/or get married with the persons of their own choice, the risk of their honour killings obviously aggravates.

There are reports of cases in almost all parts of India but the states of Punjab, Haryana, Rajasthan and Western Uttar Pradesh are the regions where these incidents occur more frequently.<sup>20</sup> Vast majority of cases are fall in age group 20-25 year both in male and female.<sup>18</sup>

It is an evident fact that honour based violence including honour killings own socio-cultural acceptance in patriarchal societies in which family is not a mere individual, but is the basic social, economic and political unit. Community councils (such as *Khap/ Katta Panchayats*) comprise of respected members of society can be observed as patronising the honour killings and protecting the killers.

Khap (caste) Panchayats in some parts of India define their own laws by running their own parallel judicial institution to the courts. Not only do these Khap (caste) Panchayats declare marriages null and void, but go beyond by

awarding death as a punishment in many cases. These killings are used to restore faith in the orthodox approaches of the rural people. They believe that these socially unapproved marriages must be punished by extreme measures, including death.<sup>19</sup>

Author presents two homicide cases related to honour killing: a dual homicide of two lovers who were killed in the name of preserving family honor and hanged after death together by the entire village.<sup>21</sup>

A retrospective study of crimes of honour in Jordan was conducted by authors, reviewed 16 homicide cases considered to be crimes of honour. In over 60% of the honour crime cases, multiple gunshot wounds were the direct cause of death. The majority of murders were committed by the brother of the victim.<sup>22</sup>

Authors analysed and reviewed data from newspapers and found a total of 1957 honor killing events occurred from 2004 to 2007. Adults constituted 82% of death toll with 88% being married. Alleged extramarital relation was the major reason for the killing. Husbands, brothers and 'other' close relatives were the perpetrators. Among the weapons/methods used for killing, firearms (61%), stabbing (4%), use of axe (12%), edged tool (8%) and strangulation (9%) were the main means of execution.<sup>23</sup>

Numbers of wounds were approximately 5 times higher in the honor homicides compared to other homicides. If the number of wounds were excessive, possibility of honor killings should be taken into account.<sup>24</sup>

Honour killing amounts to homicide and murder because the acts are done with the intention of murdering the victims as they have purportedly brought dishonour upon the family. The perpetrators can be punished as per Section 302 of the IPC. The khap panchayats or family members can also be booked under Section 302 of IPC for instigating suicide those who transgress the so called norms of the community. Such killings also violates Articles 14, 15 (1) & (3), 17, 18, 19 and 21 of the Constitution of India. The Protection of Human Rights (Amendment)

Act, 2006, The Protection of Women from Domestic Violence Act, 2005 provides for more effective protection of the rights of women.<sup>25</sup>

Honourable Supreme Court of India observed that "there is nothing honourable in honour killing or other atrocities and, in fact, it is nothing but barbaric and shameful murder. Other atrocities in respect of personal lives of people committed by brutal, feudal minded persons deserve harsh punishment. Only in this way can we stamp out such acts of barbarism and feudal mentality. Moreover, these acts take the law into their own hands, and amount to kangaroo courts, which are wholly illegal."<sup>26</sup>

Articles 3 and 16 of Universal Declaration of Human Rights 1948 suggest that "Everyone has the right to life, liberty and security."<sup>27</sup> The provisions of CEDAW (United Nations Convention on the Elimination of all forms of Discrimination against Women 1979), can be used to argue that the tradition and practice of punishing individuals for ill-informed ideas of dishonouring the family.<sup>28</sup> Thus honour killings are gross violations of Human Rights.

The draft Prohibition of Unlawful Assembly (interference with the freedom of matrimonial alliances) Bill, 2011 says that offences under the Act will be cognizable, non-bailable and non-compoundable: The Bill also proposes no person or "any group of persons shall gather with an intention to deliberate on, or condemn any marriage, not prohibited by law, on the basis that such marriage has dishonoured the caste or community tradition or brought disrepute to all or any of the persons forming part of the assembly or the family or the people of the locality concerned. Any violation of the Bill will attract imprisonment up to three years and a fine of up to rupees 30,000.00. The cases will be tried in Special Courts presided over by a session's judge or additional sessions judge.<sup>19</sup> The Special Court can take *suo motu* cognizance of the cases.<sup>29</sup>

## Conclusion

Honour killing is social evil. Need of the hour is to sensitize rural people against this heinous crime of honour killings. It's state and society's responsibility to protect the human rights of its young citizens and ban the community councils (Khap Panchayat). Dissemination of Human Rights education among rural people will help to curb this social evil. As a forensic expert always rule out suspicion of honour killing in young married victim of either sex of homicide with brutal injuries and concealment of identity.

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