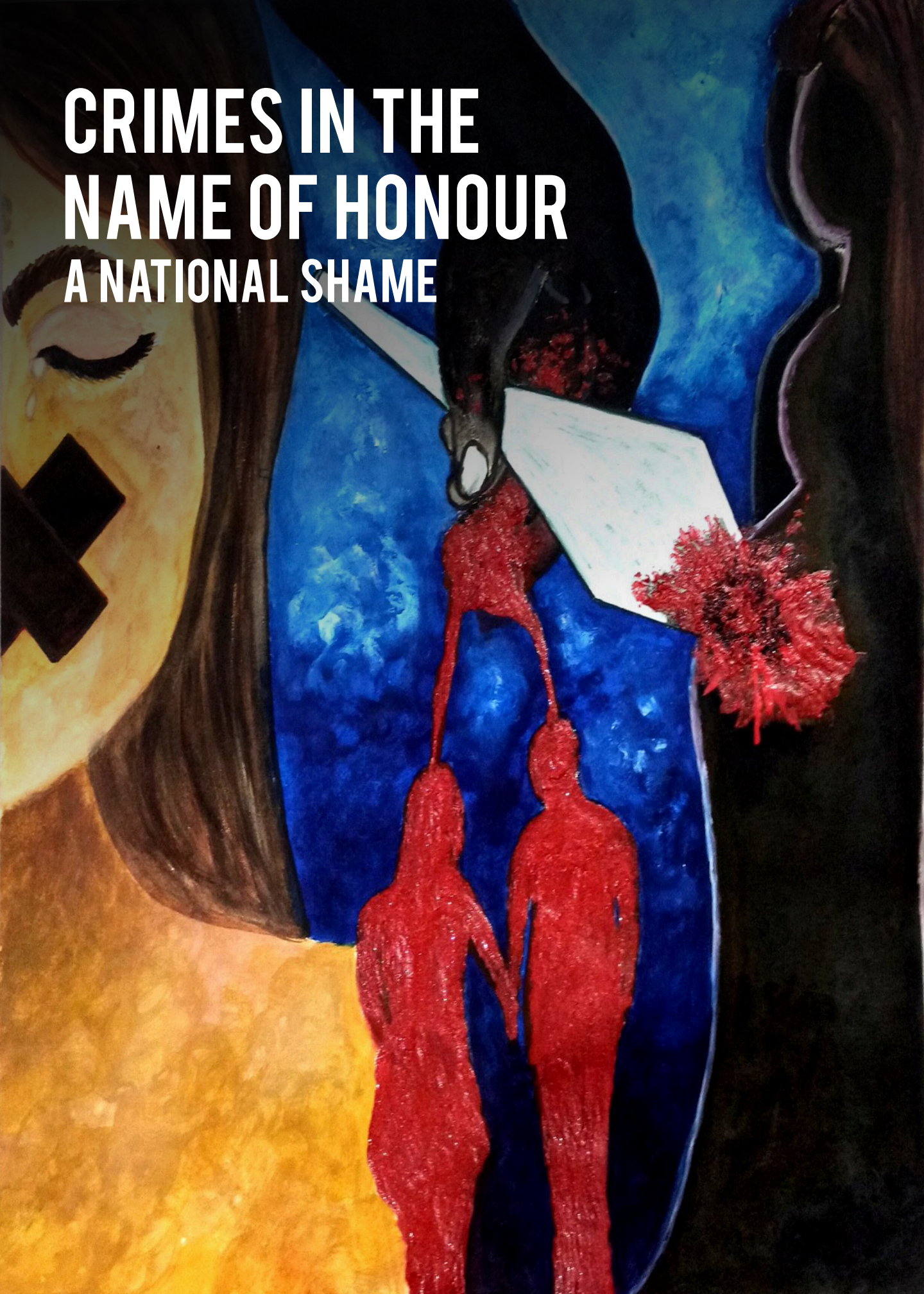


CRIMES IN THE NAME OF HONOUR A NATIONAL SHAME



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TABLE OF CONTENTS

EXECUTIVE SUMMARY	01
ABBREVIATIONS	03
ACKNOWLEDGEMENTS	04
INTRODUCTION AND BACKGROUND	05
SEXUALITY, MARRIAGES AND HONOUR IN INDIA	06
SPECIFIC LAW PROPOSED AGAINST HONOUR CRIMES	08
RESEARCH METHODOLOGY	09
THE 'HORROR' AND BARBARIC FORMS OF CASTE-BASED HONOUR CRIMES	12
- <i>Haryana</i>	
- <i>Gujarat</i>	
- <i>Bihar</i>	
- <i>Rajasthan</i>	
- <i>Uttar Pradesh</i>	
- <i>Maharashtra</i>	
- <i>Madhya Pradesh</i>	
- <i>Tamil Nadu</i>	
- <i>Kaushalya's Story narrated by her</i>	
DHRDs AND THEIR CEASELESS EFFORTS FOR JUSTICE FOR VICTIMS/SURVIVORS	32
NEED FOR A COMPREHENSIVE LEGAL FRAMEWORK TO ADDRESS CRIMES IN THE NAME OF HONOUR	33
INTERNATIONAL LAWS AND DECLARATIONS	34
THE LEGISLATIVE ACTIONS SO FAR IN INDIA	37
- <i>National Commission of Women's Draft Bill on Honour Killing</i>	
- <i>The Rajasthan Bill of 2019</i>	
PARLIAMENTARY QUESTIONS RAISED IN LOK SABHA	42
SIGNIFICANT JUDGEMENTS	45
CONCLUSION AND RECOMMENDATIONS	51
TABLES	
TABLE 1: Caste and Gender of Victims and Survivors	10
TABLE 2: Educational Background of Victims and Survivor Couples	11

EXECUTIVE SUMMARY

This report is an analysis of cases of 'caste-based honour crimes', based on knowledge from on-ground research and interventions by Dalit Human Rights Defenders in seven Indian states, i.e. Haryana, Gujarat, Bihar, Rajasthan, Tamil Nadu, Maharashtra and Uttar Pradesh. The analysis reveals that caste plays an important role in the perpetuation of violence against women and men in the case of choice-based inter-caste heterosexual relationships. Honour can be defined as public or group recognition of moral worth, imposed and sanctioned by an external social system based on adherence to norms, codes or behaviours accepted or encouraged by that social system.

India has a long-standing tradition of 'arranged marriages': an individual's spouse is chosen by the parents and other elders of the individual's family. This means that sexual and marital relations are not limited to the two individuals involved but are deeply connected to social, political and property relations. Therefore, controlling a woman's sexuality, and so also their reproductive and productive functions becomes important to maintain property ownership, inheritance, and extension of lineage. This centrality of a woman's sexuality and whom she decides to have children with makes her the bearer of 'family honour'; hence, she becomes an object of constant control and surveillance not only for her family but the larger community.



The report is an outcome of a collation of cases of reported honour crimes in which Dalit Human Rights Defenders have engaged on the ground and tried to create an enabling and supportive environment for the victims/survivors in their fight for justice. The report's analysis of these cases shows an overarching deepening of patriarchy and casteism in Indian society, where intolerance towards choice-based inter-caste relationships is very high and is met with barbaric forms of violence, almost as if to convey to other young persons (women and men) not to dare to transgress caste boundaries in their explorations of freedom of choice and expressions of sexualities. The data also reveals that patriarchy is also stark in a systemic way wherein in one case in Haryana the Dalit family agreed to forgive the perpetrator's family citing the mother's chronic cancer illness and in others where the women have been killed the husbands or brothers have been given government jobs. Women survivors have disappeared as missing, murdered or forced into another marriage, thereby once again reinforcing their patriarchal gender constructs as reproducers of progeny and honour of the caste community they were assigned at birth. Therefore, much needs to be done at the discursive anti-caste spaces where gender and patriarchal practices need to be disrupted and strong advocacy for programmatic and legal interventions needs to be provided in a gender-aware manner for victims and survivors of caste-based honour crimes. Supportive measures for all those bold and courageous women and men who are striving to break through the caste barrier are a must.

The report further analyses international laws and conventions and the defining of 'honour killings' as gender based violence. It examines the overarching principles of gender justice that is required to inform legal processes within the nation. An extensive analysis of different Bills, which have been developed and tabled specifically on honour crimes spanning the decade 2010 to 2020, judgements which have brought forth different aspects of honour killings and also parliamentary efforts to highlight the gravity of honour crimes is included in the report. This is followed up by detailed recommendations for a way forward with regard to *prevention, protection, rehabilitation and redressal* through legal and policy measures.



ABBREVIATIONS

DHRDNet	Dalit Human Rights Defenders Network
NCWL	National Council of Women Leaders
SC & ST (PoA) Amendment Act 2015	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015
NCRB	National Crime Record Bureau
FIR	First Information Report
UNGA	United Nations General Assembly
CEDAW	Convention on All Forms of Discrimination Against Women
UDHR	Universal Declaration of Human Rights
ICCPR	The International Covenant on Civil and Political Rights
DHRDS	Dalit Human Rights Defenders



ACKNOWLEDGMENTS

Dalit Human Rights Defenders Network (DHRDNet), in collaboration with National Council for Women Leaders (NCWL), has undertaken a campaign on the issues related to crimes and killings based on honour. Within this campaign we undertook this research on caste based honour killings and honour crimes in eight states of India namely Bihar, Gujarat, Haryana, Maharashtra, Rajasthan, Madhya Pradesh, Uttar Pradesh and Tamil Nadu. A majority of these Human Rights Defenders are active members of DHRDNet and NCWL. They worked tirelessly to document and follow up the cases related to crimes based on honour and are provided support to the affected families and victims to get legal aid, moral support, police protection, compensation and rehabilitation.

They are:

1. *Advocate Savita Ali, Advocate Seraj Ahmed & Advocate Imteyaz Ansari – Bihar*
2. *Preeti Vaghela, Dineshbhai Priyadarshi, Advocate Nimisha Parmar, Piyushbhai Sarvaiya & Advocate Govindbhai Parmar - Gujarat*
3. *Sonia Khatri & Manjur Khatri - Haryana*
4. *Bhanu Pratap - Rajasthan & Madhya Pradesh*
5. *Prachi Salve & Advocate Prabhakar Sonavane- Maharashtra*
6. *Dharmadurai, Mutthu, Ramachandran & Arumugan-Tamil Nadu*
7. *Shobhana Smriti, Seema Gautam & Advocate Poonam- Uttar Pradesh*

We acknowledge the great efforts taken by Dr. Shewli Kumar, Associate Professor, and Bhavya Jain, PhD student at Tata Institute for Social Sciences, Mumbai, in drafting the report, along with Advocate Iswarya Subbiah from Tamil Nadu. We also appreciate the hard work done by DHRDNet's coordination team Advocate Payal Gaikwad and Utpala Chakma in preparation of the report. Vincent Raj from Tamil Nadu has been instrumental in envisioning the campaign around crimes based on honour, and conceptualising a draft of a bill to address these atrocities.

We are grateful to Mr. Ilangovan Rajasekaran for partial editing of the report and Chetana Divya for proofreading the report.

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We cannot forget the incredible support from Alice Morris and Preeti Nangal for making the report possible.

In Solidarity

Manjula Pradeep

Director of Campaigns/National Convenor

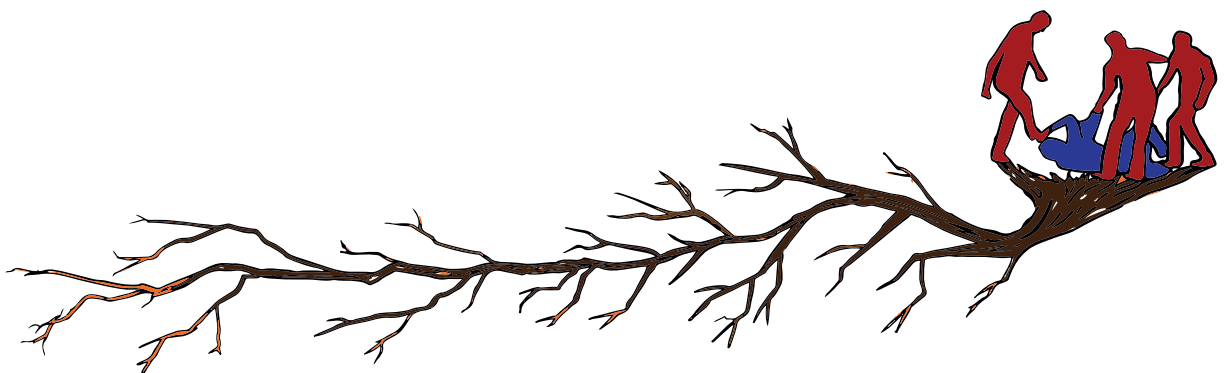
DHRDNet/NCWL

INTRODUCTION AND BACKGROUND:

This report is an analysis of cases of caste-based honour crimes based on on-ground research and interventions by Dalit Human Rights Defenders in eight states of India, i.e., Bihar, Haryana, Gujarat, Rajasthan, Tamil Nadu, Maharashtra, Madhya Pradesh and Uttar Pradesh. The analysis reveals that caste is an important factor in the perpetuation of violence against women and men in choice-based inter-caste heterosexual relationships. For deeper understanding of the horrific violence of caste-based crimes, it is imperative to explore how and why the 'honour' of the family and community are intertwined, and what actions preserve and promote it.

Honour can be considered the public or group recognition of moral worth imposed and sanctioned by an external social system, based on the adherence to norms, codes, or behaviours accepted or encouraged by that social system (Annavarapu, 2013; Heydari et al, 2021). Psychologist Jonathan Haidt has argued that these moral or social codes offer a sense of community or belonging (as cited in Heydari et al, 2021). Therefore, the higher the adherence to such codes, the closer-knit the community, and the greater the price of transgression (ibid.). These reactions occur on both the family and community levels.

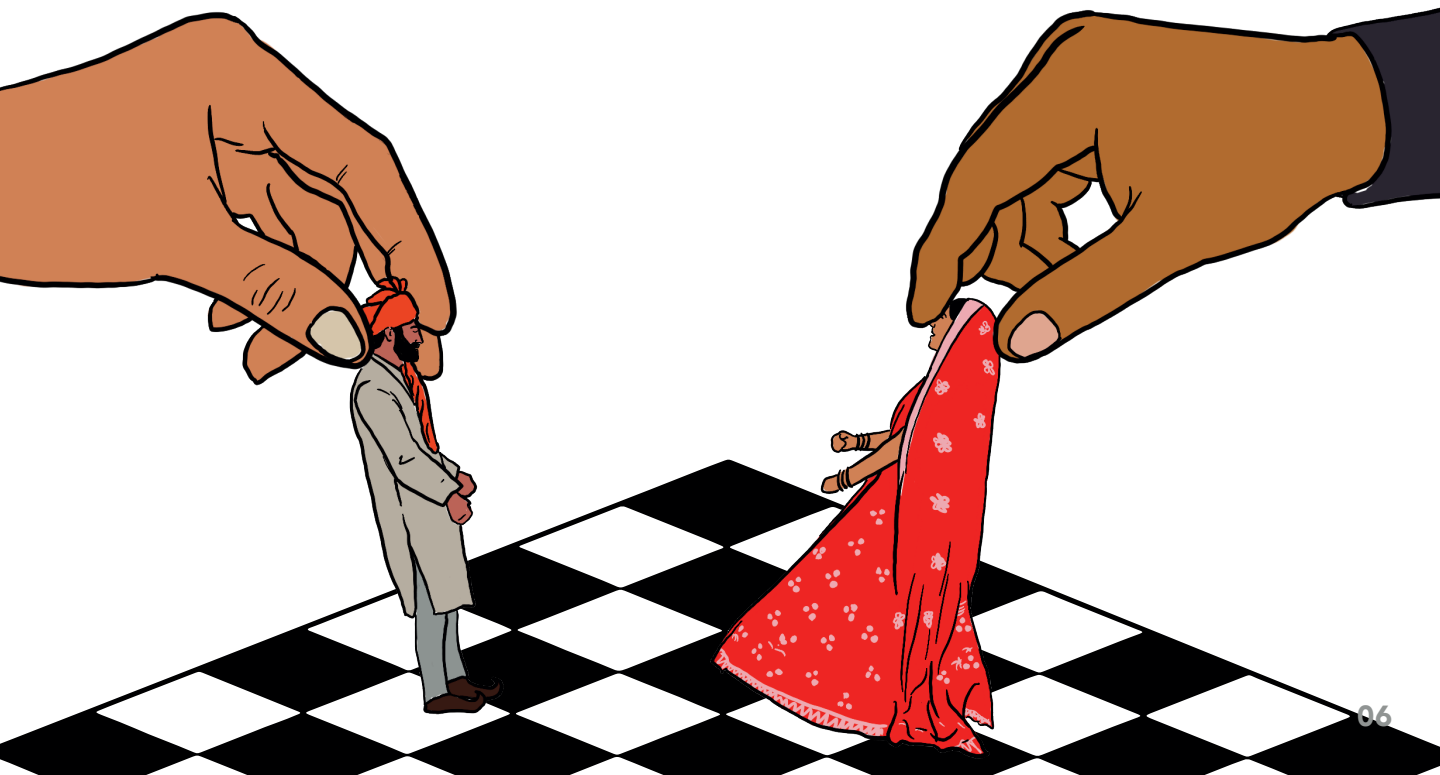
Honour killing is a social issue believed to be prevalent in South Asian, Middle Eastern and some Mediterranean societies—societies considered to be more 'close-knit' (Heydari et al, 2021). It is a form of punishment meted out on those who breach social or communal moral codes or transgress from accepted behaviours. Whilst there is an ancient history of honour crimes and killings the world over, modernity and modernisation have continued to perpetuate crimes in the name of honour in new ways as shown in research by Chowdhary, (1997) and Heydari et al, (2021). Honour crimes include gender-based violence against persons who do not conform to the heterosexual binary relationships, express gender non-conforming behaviours, or decide to live with partners of their choice. Often such persons may experience intersectional violence when sexual preference intersects with ethnicity, religion, caste or class (Punwani, 2014).



SEXUALITY, MARRIAGES AND HONOUR IN INDIA

India has a long-standing tradition of 'arranged marriages', wherein an individual's spouse is chosen by the parents and other elders in the family of the individual. Individual or personal choice is not often encouraged, and 'love marriages' are believed to lead to an upheaval of familial as well as wider social hierarchies (Chowdhary, 1997). Sexual and marital relations are central to most social groups in India because these are not limited to the individuals involved but have repercussions for social and property relations (Annapvarapu, 2013; Chowdhary, 1997). Therefore, controlling a woman's sexuality and in turn their reproductive as well as productive functions becomes an important means to maintaining property ownership, inheritance, and extension of lineage. This centrality of women's sexuality and who she decides to have children with makes her the bearer of 'family honour', and hence a object of constant control and surveillance not only of the family but the larger community as well (Chowdhary, 1997; Heydari et al, 2021). This understanding of how a woman's family has more at stake than a man's family in case of elopements, or love marriages may explain why the woman's family might pose a greater threat to the life of the couple.

While religious and sexist causes or connotations of honour killing are accepted across societies (Heydari et al, 2021), a phenomenon peculiar to the Indian subcontinent is that of caste honour (Chowdhary, 1997). Caste relations, hierarchies and differences again are closely tied to ownership of resources. Any alteration in these might be viewed as a threat by those that form the top layers of these hierarchies. Caste boundaries, therefore, are closely guarded in the many Indian societies (ibid.).





While inter-caste relationships and marriages have existed in India since pre-colonial times (Chowdhary, 1997), the increasing tension due to growing urbanisation, reservations about modern values and a perceived threat to traditional hierarchies may have led to a more violent reactions to transgressions of communal codes of conduct (Heydari et al, 2021). This dynamic is further complicated by the changing class dynamics in Indian society and constitutional law (Chowdhary, 1997).

Since honour is sanctioned by and situated in a social group, any action to restore it after it has been harmed by young couples of a family often involves traditional authorities of these social groups. This includes khap panchayats in Northern India and katta panchayats in Tamil Nadu. These panchayats often put the responsibility of transgression of marital codes on the family; if the family does not act against such a transgression, the whole family stands the risk of being ostracised or punished for the actions of the individual (Raj, 2012).

The distinctness of families, castes, religions, and nations being dependent on blood-purity puts the onus on women to be the 'natural' and primary bearers of responsibility in maintaining clear boundaries. This end is achieved through the vigilantly-controlled sexual conduct of wives and blood-related women. In fact, the caste system is sustained and perpetuated through endogamous and parentally approved marriage, rendering caste and patriarchy inseparable in India (Ambedkar cited in Rege 1998).

SPECIFIC LAW PROPOSED AGAINST HONOUR CRIMES

While honour crimes are prevalent in India (Raj, 2012) and have very specific cultural roots, no reliable summary data are available regarding them. The National Crime Records Bureau's report for 2020 states that only 25 cases of honour killing were reported in the preceding year. The years 2017 and 2018, allegedly witnessed only one incident of honour killing in India. This shows that honour crimes are being drastically underreported. India has no dedicated legislation for honour-based crimes. Currently, these crimes fall under existing provisions of the Indian Penal Code— Section 300 for murder and/or the SC/ST (Prevention of Atrocities) Act and, in non-SC/ST cases under, Section 302 of IPC.

In 2012, the Law Commission of India recommended that a separate law be enacted specifically for honour-based crimes. As a part of the report, a bill titled "The Prohibition of Interference with the Freedom of Matrimonial Alliances Bill" was drafted. It contains definitions and punishments specific to honour crimes—for example, criminalising intimidation of a couple. Nothing has yet materialised out of this report as no MP presented this bill in Parliament. In 2018, the Supreme Court of India in *Shakti Vahini vs Union of India*, recognised honour killing as a serious issue and enumerated preventive, remedial and punitive measures placing accountability and responsibility upon the state and the police administration to curb honour-based crimes. In this ruling, the Supreme Court also cracked down on Khap Panchayats in the country, stating that they have no authority to issue diktats or implement laws.

In 2019, the State Government of Rajasthan introduced a bill in the State Legislature modelled on the 2012 Law Commission Report. It was passed in the Rajasthan Assembly in August 2019. This Bill is the only such attempt by a state government to address crimes based on honour, though it is very limited in approach. It still is not an Act, not having been signed off by the Governor.



RESEARCH METHODOLOGY

The approach for this research includes both qualitative and quantitative with data collected from victim/survivor families in the eight states of India, Bihar, Haryana, Gujarat, Rajasthan, Tamil Nadu, Maharashtra, Madhya Pradesh and Uttar Pradesh. Cases were identified based on press reportage or from Dalit Human Rights Defenders working in the cities and rural areas on Dalit rights issues. The cases range from 2012 to 2021, and in almost all the cases, the victims/ survivors have faced extreme violence from members of the family who opposed the relationship or marriage. Only those cases have been included which fulfil this criterion where family members have come together and perpetrated the violence after coming to know of the consensual relationship or marriage. Two cases came to our team's notice where the dominant caste men lured the Dalit women into a relationship and, when pressured for marriage, gathered the family and friends to murder them—one in Uttar Pradesh and another in Tamil Nadu). These two have been left out of this report as they are clearly caste-based sexual violence and not entirely 'honour' crimes. Finally, this report includes 24 of the cases for analysis and thematic organisation. In two cases, both the boy and the girl were killed, and in another the man was burnt alive.



Table 1: Caste and Gender of the Victims/Survivors

State	Gender of Victim/Survivor		Caste of Victim/Survivor		
	Male	Female	SC	OBC/MBC	DNT
Bihar	3	0	Male		
Gujarat	3	0	Male		
Haryana	2	2	Male	2 Female	
Maharashtra	2	1	Male		Female
Rajasthan	2	1	Male	Female	
Tamil Nadu	4	1 (the boy's sister)	3 Male 1 Female	1 Male MBC	
Uttar Pradesh	1		1 Male		
Madhya Pradesh	2				
Total	20	4			

**Scheduled Caste, *Other Backward Caste, *Most Backward Caste*

Most of the victims/survivors belonged to Scheduled Caste communities in all eight states and 20 of them were men who had either been killed or grievously injured by their partner's family. In one case in Haryana, the family belonging to the scheduled caste community was wiped out completely, including the male victim of the couple. One sole surviving male member had to flee from home. With meticulous examination of the data emerges a pattern: women who belonged to a dominant caste were forced to leave the relationship or marriage by their family they were either withdrawn from education, went missing, were grievously injured, or killed (2 OBC women and 1 DNT woman were killed, see Table 1).



In one case in Tamil Nadu, a couple in an inter-caste relationship eloped and went into hiding. The boy comes from a Scheduled Caste background, and the girl belongs to the Thevar caste (dominant caste). Since the couple could not be found, the girl's family kidnapped the boy's sister and killed her as revenge, sending the boy's family a gruesome message.

Table 2: Educational Background of the Victims/ Survivor Couples

State	Below 10th Class		Intermediate		Graduation and Above		Not Known
	Male	Female	Male	Female	Male	Female	
Bihar			1	2	2		1
Gujarat	1		1		1	1	2
Haryana					3	1	2
Maharashtra					2	2	
Rajasthan					2	2	
Tamil Nadu			2	1	3	3	
Uttar Pradesh				1	1	1	1
Madhya Pradesh							2
Total	1		4	4	14	10	8

The above Table 2, reveals that a majority of the victims and survivors, men and women, were either studying or had completed higher education. Those in intermediate, or classes 11 and 12, all met in school and had consensual relationships (4 men and 4 women). As many as 14 men and 10 women were pursuing higher education or had graduated when they met their partners of choice.

One couple in Tamil Nadu met while studying physiotherapy and were qualified when they were married. The educational data of 8 persons, including 2 in Madhya Pradesh, is not known. This data shows that the couples were making conscious decisions to break the caste barriers and exercise their choice and agency, which was not liked by the families of the dominant castes. Therefore, on the basis of the background information of the cases, honour crimes have definite caste connotations.

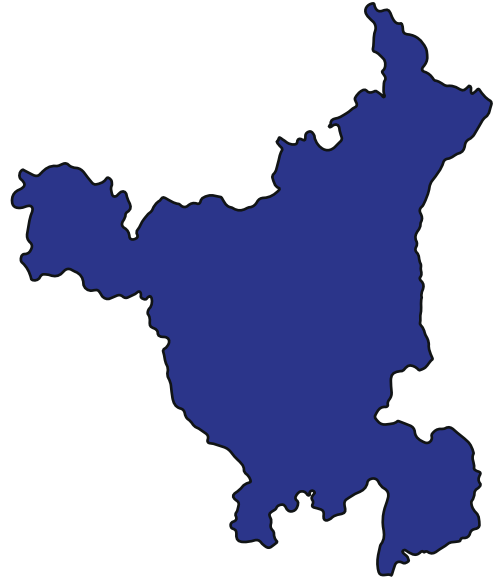
THE “HORROR” AND BARBARIC FORMS OF CASTE-BASED HONOUR CRIMES

This section of the report explores and explains some cases of honour crimes. It was because of the efforts of the activists who followed their progress that these crimes saw the light of the day. They were also the reason some form of relief, counselling and legal help was provided to ensure just outcomes for the families of the victims. The initial exploration of the cases revealed specific state-wise patterns of the honour crimes, which if analysed in depth show that the inter-caste transgressions (relationships or marriages) by young persons were embedded in the caste-based material (economic) disparities between the families. Largely, the crimes were committed by the members (father, brother, mother, uncles etc.) of relatively better off families of dominant castes upon the victim and his or her poorer family.



HARYANA

There are four cases of honour crimes reported in this report from Haryana in 2016, 2017, 2018 and 2020 from Fatehabad, Hisar, Kharkhoda and Rohtak. Each one reflects the strong feelings of hatred that the inter-caste relationships evoked in the families of the dominant caste. In one case, the Jat family of the girl hired goons to kill her. Her partner from a scheduled caste community is on the run as his dead partner's family has filed a case of kidnapping and assault against him. The family of the boy has been hounded—with threats and other forms of intimidation—out of their village, and reduced to penury over expenses incurred from the court case filed against the boy, and from being ostracised. A similar pattern can be seen in another case the girl from the Jat (dominant caste) community was murdered by her family by forcing her to consume poison. Her body was cremated, and the boy and his family realised she had been murdered only after they filed a case against the girl's family. They later withdrew the charges against the girl's brother, father and other members of the family responsible for the murder. Their reasoning: the mother had cancer and would suffer if all the male members of her family were behind bars. In Kharakhoda, Sonipat, a Dalit family was attacked by hired goons, who fired at the family, killing the male victim of the couple, his father and mother. The man's brother and his wife died later from the injuries



they sustained. They were attacked because the male victim had married a woman from the Jat community. They had met while studying at the University and had been married for 4 years. The couple had a three year old daughter.

The woman's brother would often meet her outside her home, saying he loved her and even though the rest of the family did not approve of her marriage. Despite neighbours' warnings that his visits were suspicious, she continued to meet him. The only surviving members from the boy's family are his younger brother and sister, who have left the village and cannot be traced by the police. The woman has gone back to her natal home. A case has been filed in the SC/ST court but since the brother and sister are missing, hearings cannot take place.

GUJARAT

In Gujarat the Dalit Human Rights Defenders followed on with three cases of honour killing in Mehsana, Gandhidham and Una, in Somnath, perpetrated between 2012 and 2019. In one case, it is not clear whether the Dalit man and the woman from a Koli family were in a relationship, but the latter ran away from her natal home and sought refuge in the house of the Dalit victim. On suspicion of a relationship and 'dishonour' this brought to the Koli family, the members of the woman's family entered the house of the victim and burnt him alive

In another case of consensual relationship between a Dalit boy from Mehsana district and a girl from a Patel (dominant caste) family, the former was beaten up and called a 'dhed', a caste abuse, by the girl's family in public. He sustained grievous injuries.



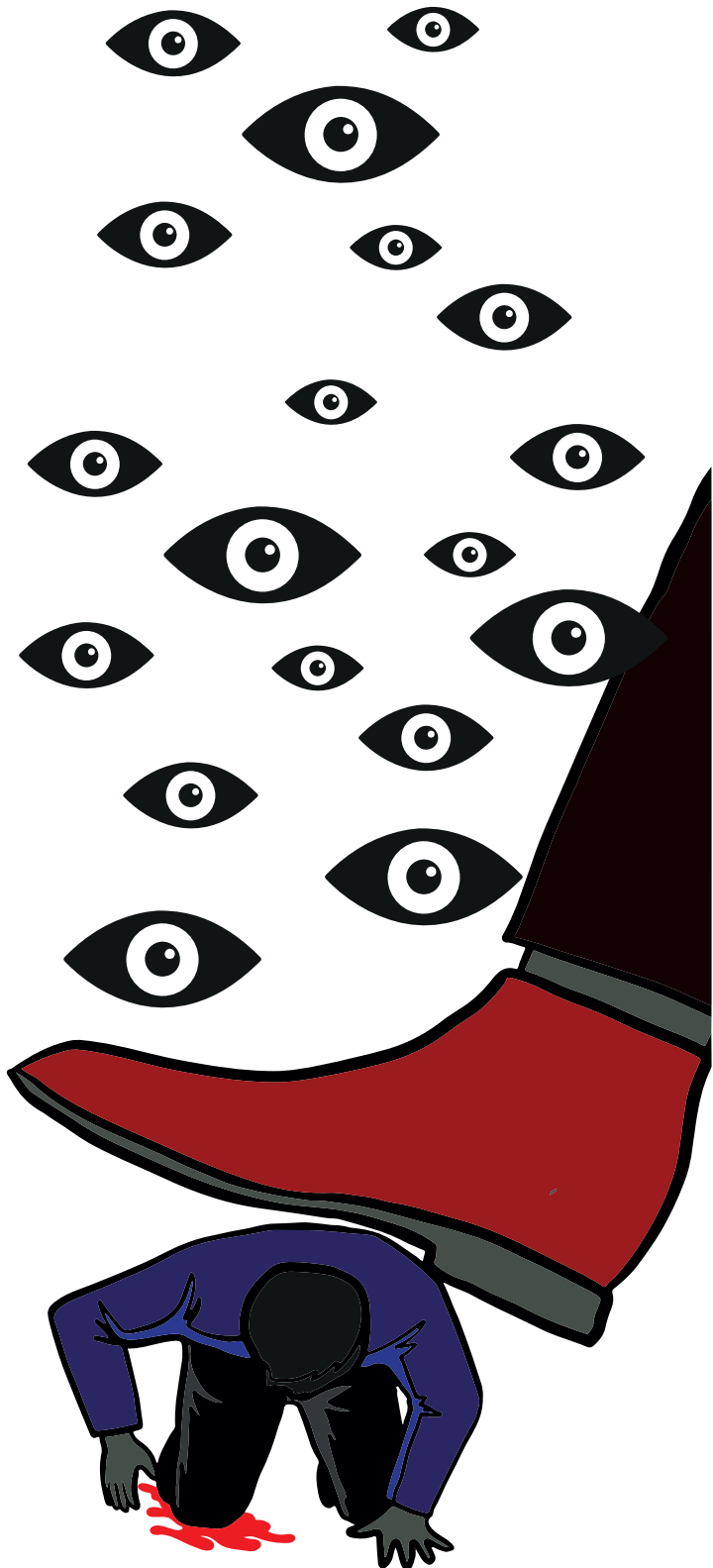
A 25-year-old Dalit man was murdered by his upper-caste in-laws in the village of Varmor, Ahmedabad district. Police said the man was hacked to death by eight men outside his wife's parents house in the presence of a women's helpline team attempting negotiations. According to police, none of the eight have been arrested and the wife's father, a dominant caste Darbar, has been named the prime accused. The man was from Gandhidham in Kutch, and had married the woman almost six months earlier. However, her parents had brought her back to Varmor on the outskirts of Ahmedabad. She was two months pregnant, and was missing, said police. Her husband then sought help from the 181 Abhayam team to find her and convince his father-in-law to let her return with him to Kutch since she was pregnant. The Abhayam 181 helpline is for women's helpline. Usually, this is a team of counsellors that visit the caller. In this case, the team with the husband had a woman constable as well, who was left unarmed.



As the counsellor negotiated with the girl's parents, the police said the husband waited in a government vehicle outside the house, alongside the driver. According to the counselor who travelled with the husband, the counselling with the woman and her father lasted around 20 minutes, ending around 7 pm. The counsellor then left the house and approached the car. At that moment, eight people, along with the girl's father, arrived at the spot, forced the husband to step out of the car and attacked him with swords, knives, sticks and rods. The Abhayam team was also attacked. They immediately called police for help and the police named eight persons for murder in the FIR, with the father of the girl as prime accused.

Eyewitness accounts have been taken into consideration so that the accused can be arrested at the earliest. According to them, the girl's family got angry after they got to know that her husband was also present outside their house, in the 181 vehicle. All eight accused have all been booked under sections 302 (murder), 332 (causing hurt to public servant to deter them from duty), 353 (assault on public servant), 341(wrongful restraint), 143 (unlawful assembly), 147 (rioting), and 148 (rioting with deadly weapon) of the IPC and the Atrocities Act. After the murder, the perpetrator's entire family fled the village before a police team arrived at the spot. It is assumed that the victim's wife has been forcibly taken by her parents and other

relatives and that she was not aware of their plan to murder her husband.

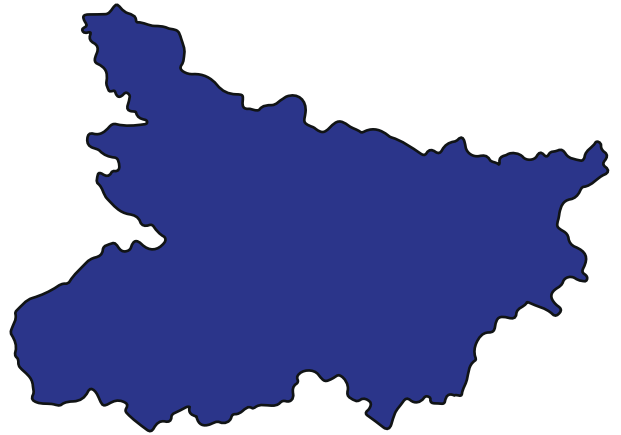


BIHAR

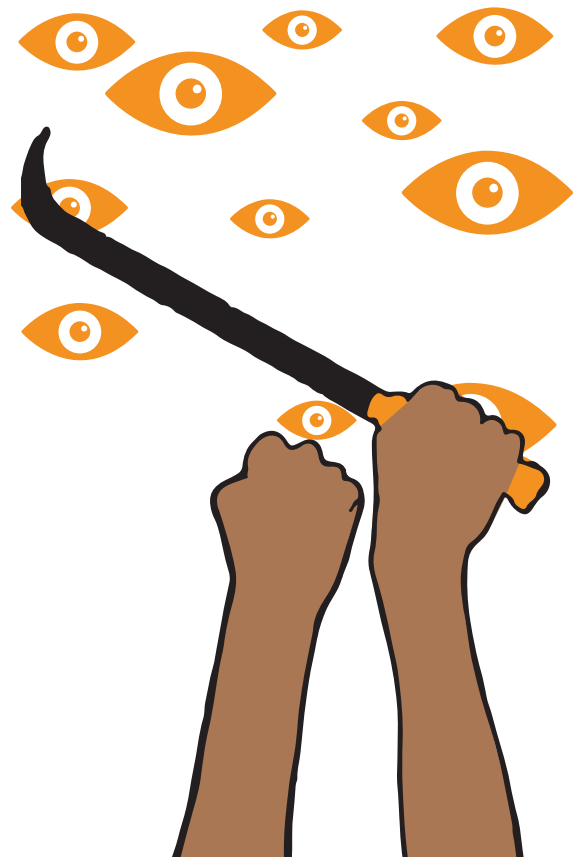
This report covers three cases from Bihar. These cases have been reported as recently as 2021 and are from Muzzafarpur, Dhaka and Rohtas. In one, a Dalit boy and girl from the Yadav (a dominant caste) community were studying in intermediate and were in a romantic relationship. The girl's family found out about the relationship, took the boy one day to a room nearby and beat him with sharp weapons, while also abusing him using casteist slurs. When the boy's family heard of this and rushed to the spot, they found him lying grievously injured. They rushed him to the hospital, but he did not survive.

In a second case, a 19-year-old Dalit boy was in a relationship with a girl from the Brahmin community. The family members of the girl came to know of it and kidnapped the boy, brutally beat him and killed him by strangulation.

In a third case, a Dalit boy and a girl from an OBC (dominant caste) community were studying intermediate together in a school in Dhaka Tehsil, East Champaran district, Bihar, and developed a romantic relationship. Eighteen months into the relationship, they eloped and got married in a Hindu temple in Gujarat. After over eight months of eloping, they returned to their respective families, on their request. The girl's family concocted a story and registered an FIR, alleging that the boy and his family had kidnapped the girl and



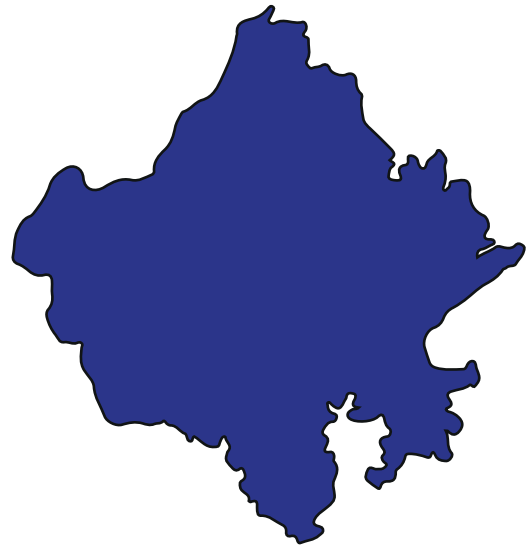
forced her into marriage. Due to this, the boy has been on the run, and remains missing even at the time of writing this report. Since the FIR was lodged, members of his family have been facing harassment and abuse from the Police. Meanwhile, the girl has suffered extreme trauma, been forced to drop out of school, and coerced into another marriage.



RAJASTHAN

In Rajasthan, three cases of honour crimes have been covered by Dalit Human Rights Defenders. The cases were from Dausa (2021) and Jaipur (2021, 2016). In the first, both the boy (from Dalit community) and the girl (Brahmin) were physiotherapists, and in a consensual relationship before they got married. The boy was so thoroughly humiliated by his wife's family and the police that he threw himself under a train in February, 2021, leaving a 15-page suicide note and several videos explaining that he could not put up with the harassment. As yet, no case has been filed against the girl's family in the SC/ST special court, nor has an FIR been lodged against them.

In the second case, a Dalit man was married to a woman from the Rajput community, and they have two sons. He was the sole breadwinner of the family: he worked in a factory in Jaipur, and also tended the family farm. The man was going to his farm from his village Mitha Manjara to drop his wife and sons at the farmland, when Kishan Singh and his friend (from Rajput caste) encountered him and started an argument. Neither of the Rajputs were related to him. Nevertheless, they bore a grudge against him since his wife was from the Rajput (dominant caste) community. During the conflict, Kishan Singh and his friends threatened him: "This night will be your last night. Live as you want to live, but



only for today. We will kill you, we will not let you live. We will not let you see another sunrise." After this encounter, the man dropped his wife and sons at the farmland and went to the Jogasar, where a cricket tournament was going on. That very night, the victim was murdered.

In a third case, a girl belonging to the Saini community (dominant caste) was married against her wishes by her family while she was in a romantic relationship with a Dalit boy living in the same locality. After marriage, she came back to her parental home, and in a few days eloped with her partner of choice. Her family filed a case of abduction against her partner with the police. She was then abducted from her partner's house by her family. Two days later, her father surrendered to the police and confessed that he had murdered his daughter.

For now, the victim's Dalit family has been paid compensation under the SC/ST(PoA)

Amendment Act 2015, as well as given police protection. In the locality where they live, theirs is the only Dalit household. All the rest are from the perpetrator's community. The family lives in constant fear, struggling with stress, depression, and other mental health issues even as they face up to tremendous pressure from relatives and well-wishers of the perpetrators.

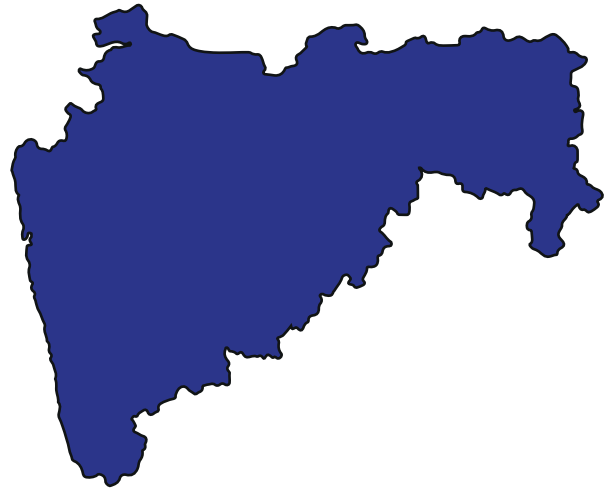
UTTAR PRADESH

In Uttar Pradesh, only one case was reported by the activists, and this was in a village in Gorakhpur. The boy was a Dalit and the girl is from a Brahmin community. They worked in the Gram Panchayat in different capacities and were educated. They got married out of choice, and as a result, the girl's dominant caste family felt 'dishonoured'. Her family, therefore, murdered the boy. Now the girl who continues to live with her in-laws is the sole earning member and has recently given birth to a boy.



MAHARASHTRA

In Maharashtra, two cases of honour crimes were covered by DHRDs. One case occurred in 2019, and the second in 2020. An inter-caste relationship developed between a Dalit college student from Pune with a girl from the Maratha community, also a college student. The boy was killed by Maratha men on June 7, 2020, for being in a relationship with a girl from their community. According to the boy's close friends, two months before he was killed the girl's family had threatened him of dire consequences if he did not back off.



The police arrested four of the six accused, taking them into custody. Of the six, two were minors, and were released on bail by the Juvenile Justice Board (JJB). Bail applications of the remaining four were sanctioned by Maharashtra High Court in September 2021. The two minors were short of 18 years, and they have been sent to a children's home in Pune.

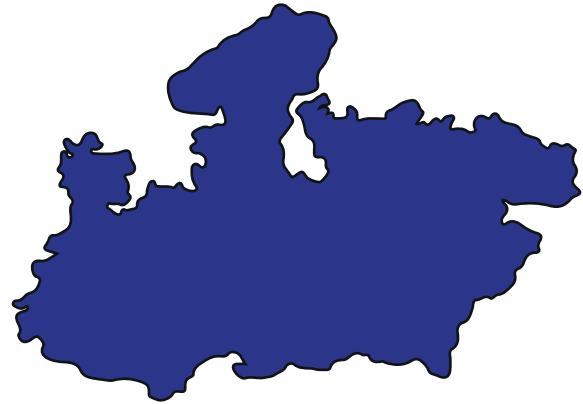
Although the incident occurred on June 7, the police registered an FIR only on June 8, hours after the victim's death. The girl was beaten up by her family and remains confined to her natal house.

In another case, two residents of a village in Ahmednagar district were in a romantic relationship and sought to marry. The girl's family, however, was against this relationship because the boy belonged to Lohar caste (OBC), whereas the girl was from the Passi caste (DNT). The boy tried hard to convince the girl's family but to no avail. Therefore, the couple ran away and tied the knot in a private ceremony. Six months later, the girl and the boy were burnt alive by her kin. The girl died in the fire, but her husband continues to battle for life.

After the incident the girl's family absconded to their native place in Uttar Pradesh and the boy has been arrested on the basis of a false complaint of murder of the girl. The family of the boy is facing lots of problems while interacting with the police. They are complaining that police are threatening the boy in jail, often beating him frequently, while refusing him medical treatment. A Dalit rights organisation is trying to help the victim with the legal battle.

MADHYAPRADESH

The DHRD from Madhya Pradesh recorded two cases of honour crimes, one each from Chhatarpur district and Damoh. In the first case, a Dalit man married a girl from the Thakur community in 2012. This was not well received by their families and a conflict between the communities emerged. Fearing for their lives, Rajkumar and Deepa fled the village, and made their way to Delhi, eventually settling down in



Ludhiana. They had two sons and were happily married. The man was working as a mason in Ludhiana.

Despite the many years of marriage the girl's family continued to harbour strong caste animosity. In spite of moving far away from home and their communities, caste continued to haunt them. In a misguided effort to 'restore the family's honour', a male relative of the girl and his friend took inspiration from the Marathi film, 'Sairat'. As in the movie, the male relative visited the couple multiple times to re-establish contact and make them feel comfortable. One day, he and his friend went to Ludhiana and stayed at the couple's house. The following day, they asked the husband to drop them off at the railway station on his motorcycle. On the way, near a deserted canal in Sahnewal town, they slit his throat, stabbed him multiple times and left him to die.

Afterwards, the male relative called the girl and told her that her husband had been murdered, and threatened the same fate would befall her family. She immediately approached the police and filed a complaint against this relative and his friend. They were caught in Uttar Pradesh and handed over to the Punjab Police.



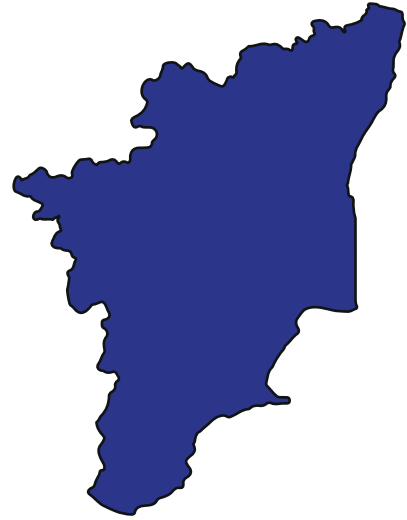
In a second case of honour crime in Madhya Pradesh, the couple found it difficult to get married as the man belonged to the Dalit community and the woman was from a Brahmin (dominant) caste. They were in a romantic relationship and despite fierce opposition from the woman's family, they got married. The police tried to stop the wedding based on complaints from the woman's family, but after realising that both the man and woman were major, they allowed the marriage to be solemnised.

But feud between the two families continued, with both families filing numerous complaints at police stations. On August 28, 2017, the father of the Dalit man left the house at around five in the evening to go to the nearby market. On the way there, he was accosted by members of the woman's family who attacked him with knives. Alone and unarmed, he sustained grievous injuries. His attackers got into a vehicle and fled, leaving him lying bleeding on the road. On hearing witnesses scream, his family arrived at the spot and took him to the District Hospital at Damoh, where he was declared dead.



TAMILNADU

Tamil Nadu DHRDs reported five major cases of honour crimes. These were reported from Madurai, Tirupur, Karur, a village in Thoothukudi district, and Dindigul. The cases are from the years 2016 to 2021. One of the honour crimes was the murder of the father of the Dalit boy of the Arunthathiyar (scheduled caste) community who was in a relationship with a girl from Asari (dominant caste) community in his village. The father was hacked to death by the father, mother and other relatives of the girl's family. Her parents strongly opposed the relationship and did not accept the marriage proposal sent by the boy's family. Instead, the girl's parents forcibly took her away from the village and kept her under house arrest at a relative's house. She managed to give her relatives the slip and went to meet her boyfriend at his house. The boy tried to convince her to go back to her parent's house as he was scared of threat to their lives. But she wanted to marry him and refused to leave the house. Then the girl's parents arrived at the house to take their daughter back, she refused to go with her parents, who then abused the boy's family, hurling caste-based slurs. All of a sudden, they attacked the boy's father with a machete. In the melee, the victim sustained a hand injury. Both father and son were admitted to the government hospital. The latter, who was critically injured, was referred to the Government Rajaji Hospital in Madurai,



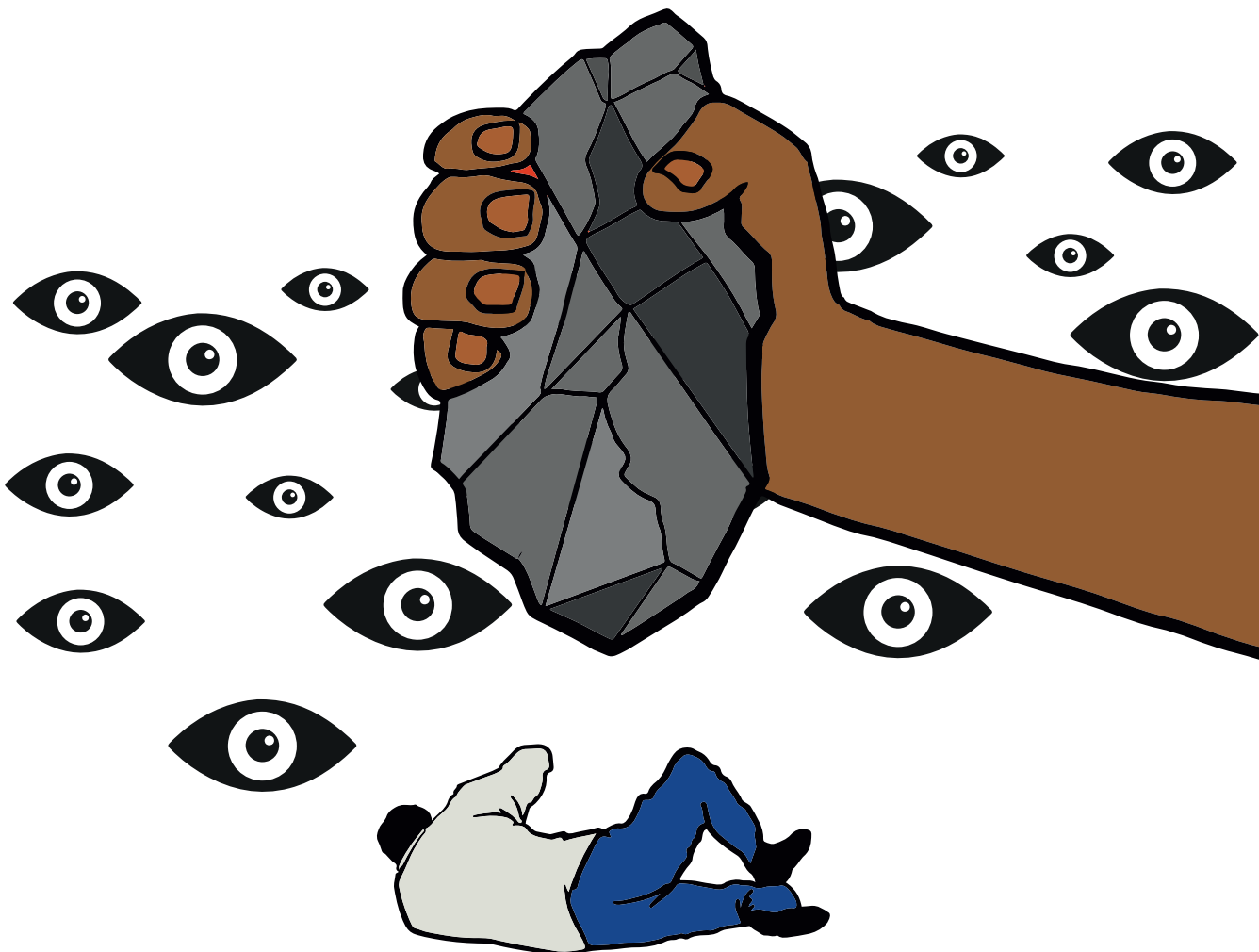
where he died the next day. The police booked the girl's father for assault, attempt to murder, and also under the provision of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 2015. After the death of the boy's father, the case became that of murder.

In the second case, a Dalit man working as a medical representative at the health department of Dindigul Gandhigram University department had a relationship with a girl from the Maravar (backward) caste who was a nurse in a primary health center in Palani. The family of the girl came to know of this, and they kidnapped her and took her away home to the native village in Tirunelveli district. The man went to her village to take her along with him to Dindugal district. When he asked her to come with him, her father resisted it. When the man tried to overpower father, the latter the girl's mother and relative allegedly hacked him to death with a sickle and surrendered before the Thevarkulam

police. Due to the intervention of the Dalit activists, a case was filed under SC/ST Act, and the boy's family received compensation of Rs 8,25,000.

In a third case, the girl's parents hacked the pregnant older sister of the Dalit boy, a resident of Ilangonagai village in Tirunelveli district. The girl's father believed that she helped her brother elope with their daughter. Her brother is a railway gate keeper at Munnipallayam and had developed a romantic relationship with a girl belonging to Thevar caste (dominant caste).

In a fourth case (2021), a Dalit boy was in a relationship with a girl hailing from Chettiyaar community (dominant caste), both residents of Keerathurai Street Karur. The girl wanted to marry the boy, and called his parents to declare this to them. On January 6, 2021, around 1.30 in the afternoon, the boy and his uncle were passing through the Karur Kalyana Pasupathiswarar temple. Members of the girls' family—father and uncles—began following them and yelling at him: "You belong to a barber family, do you need a girl from our community?" They also made casteist remarks and assaulted him with a stone and stabbed his head, face and chest. Hearing his cries, the boy's father and relatives went to



rescue him, but they were threatened at knife point and fled the scene. As this happened in broad daylight, two strong eyewitnesses were found, ensuring that the perpetrators were caught and put behind bars.

All these incidents reveal that women from dominant castes who tried to choose their life partners across caste boundaries were reduced to mute spectators in the 'dance of death' perpetrated by their families. The fact that their own families kept them under surveillance and restricted their movements using cultural codes and violence has been established by these incidents. Most of the women, wanted to move away from the oppressiveness of their families. Their aspirations for a happy life with a partner of their choice were brutally nipped in the bud by violent, misogynistic and hyper masculine men of their families and, in one case, the larger community.

The activists in Tamil Nadu were able to talk with Kaushalya a survivor of a caste-based honour crime. This crime outraged the entire state. Her story is given in detail to show the complex manipulations adopted by some families of dominant caste communities to break up inter-caste relationships and if they fail then they take recourse to barbaric ways of killing the Dalit women and men.



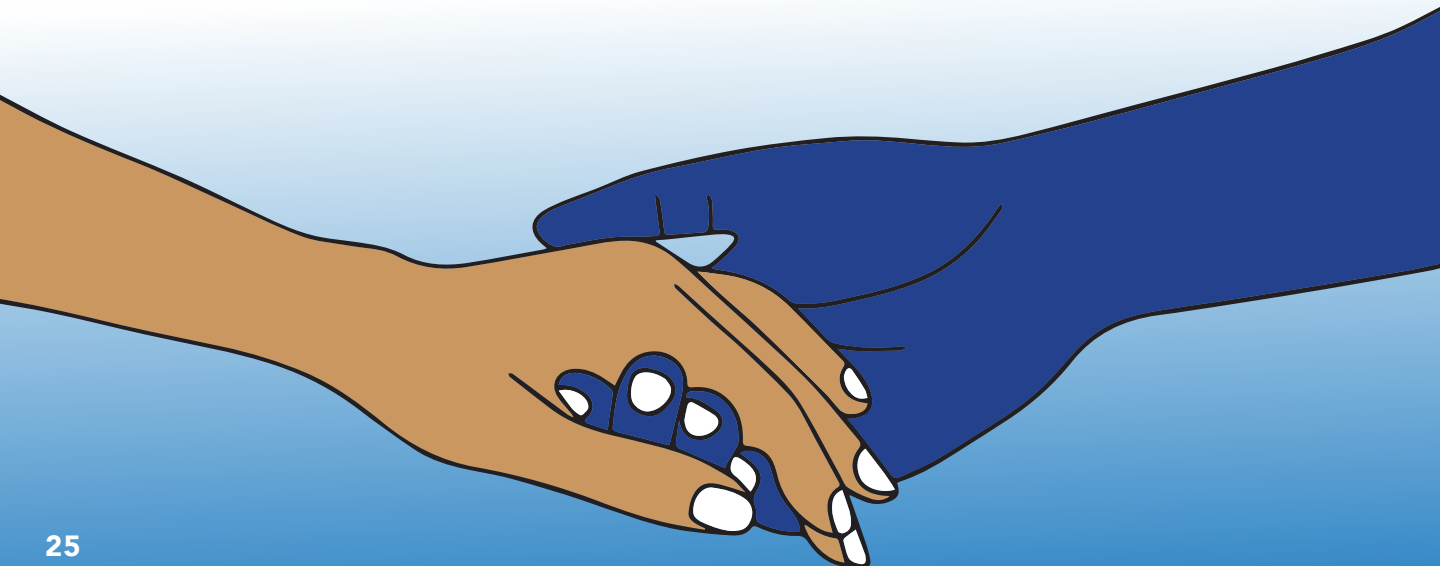
KAUSHALYA'S STORY AS NARRATED BY HER

Few crimes are as gruesome as the ones involving Kaushalya and Shankar. On March 16, 2016, Tamil Nadu was jolted awake by a murderous attack on the young inter-caste couple in Udumalpet town, Tirupur district. Shankar was killed in the gruesome attack. The incident, captured on CCTV cameras, set off waves of outrage across the state, because the perpetrators of such a brutal crime felt emboldened enough to commit it in broad daylight. This speaks to the general attitude and self-righteousness that drive honour and caste-based crimes. It merely became a cautionary tale for young Dalit men, lest they consider "flouting" caste boundaries.

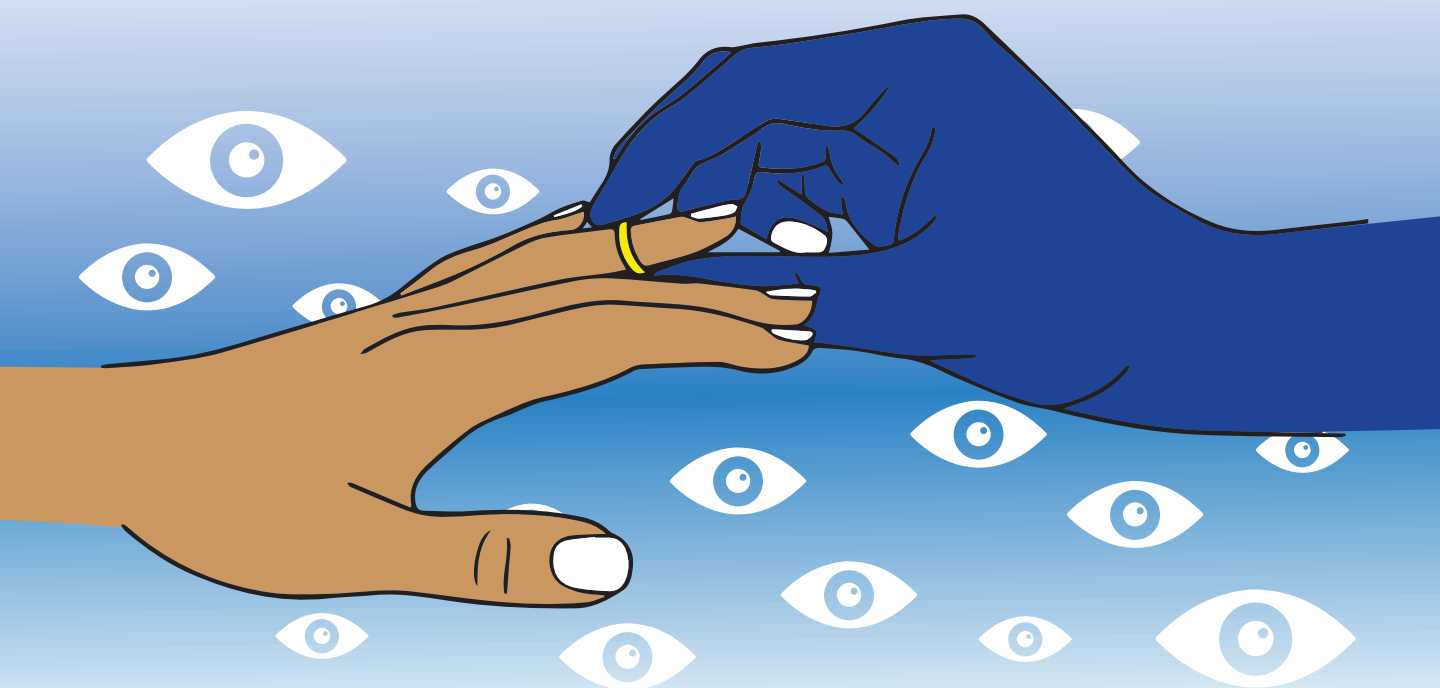
The case was committed before the Tirupur District Sessions Court. After extensive legal process, the court convicted seven five of whom received capital punishment. A compensation of 11.95 lakhs was ordered to be paid to Kaushalya and Velusamy, the deceased Shankar's father. The judgement was appealed in the High Court of Tamil Nadu. In 2020, the court overturned the conviction of the main accused, while commuting the death to life imprisonment. An appeal against this verdict is pending before the Supreme Court.

Kaushalya has been fighting the case whilst living with Shankar's family. The following is her detailed narrative:

"I am Kaushalya, and I am 19 years old. My parents are Chinnasami (father) and Annalakshmi (mother), and I have a brother named Gautham. We belong to the Piramalai Kallar caste. My father's native village is Gopalapuram, near Uthamapalayam.



My mother's village is Kuppanpalayam, near Palani, where we currently live. My father runs a travel business. He also does usury money lending. My family always loved me. I was their 'pet' daughter. My father got me everything I asked for. At the same time, I was barred from stepping out of the house. I wasn't allowed to speak to anyone. I am not sure when exactly this became the norm, but I guess that's how it had always been, perhaps since my birth. After completing my 12th standard in the year 2014, I joined an engineering college in Pollachi. Shankar was studying engineering in the third year in the same college. He came from a village called Komaralingam, near Palani. He was high-spirited, always compassionate and loving in all his dealings.



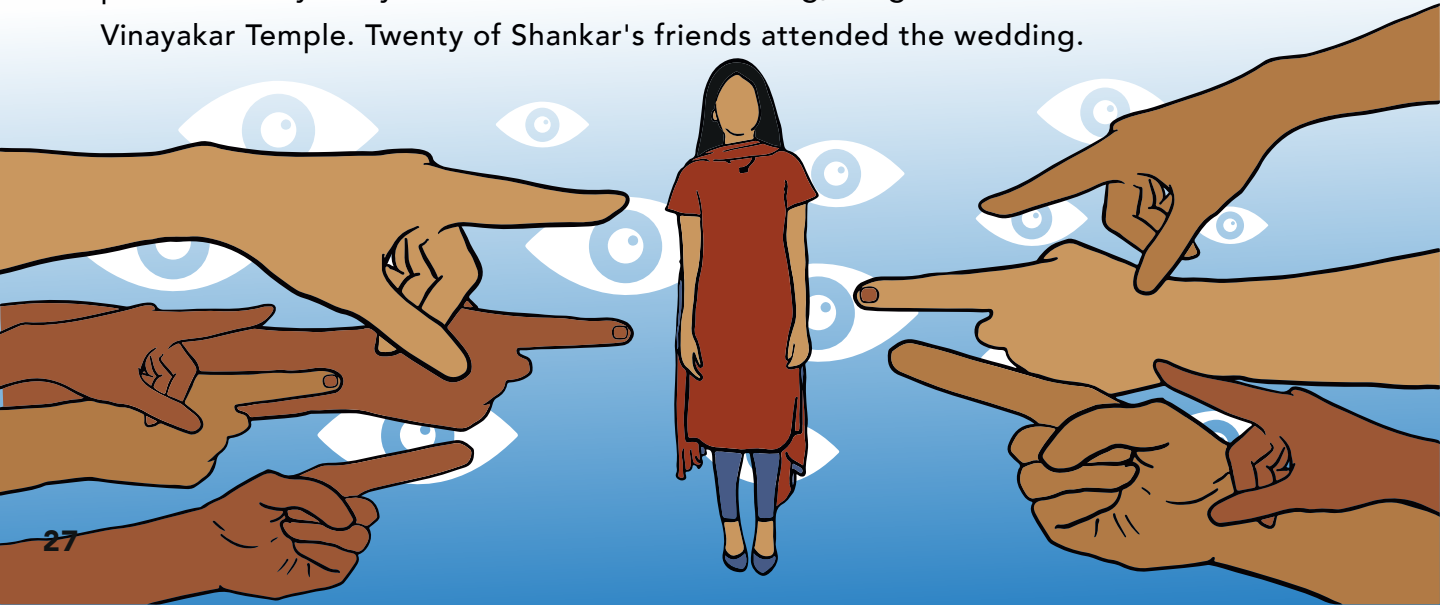
One day, Shankar asked me if I was in love with anyone. I said no. He said, 'I like you a lot.' I said, 'We can be friends, but don't expect a love relationship with me.' He quietly said sorry and went on. Even if it appears as if Shankar came to me to confess his love for me, he wasn't angry when I rejected his love. I liked that about him. We began to have friendly conversations. One day, I asked about his family. I learned that his mother was gone and that his family consisted of his father and his two younger brothers. Shankar had a special habit— he maintained a safe distance from his women friends, treating them with a lot of respect and dignity. Shankar made me realise that dignified and respectful behaviour is the way of love. After a few days, Shankar said that he was sorry for hurting me. He also added, 'But, I do like you a lot.' I stood there quietly, saying nothing. I had reasons for not refusing him the second time. Beyond love, I had developed a respect for him. Shankar made me realise that dignified and respectful

behaviour is the way of love.

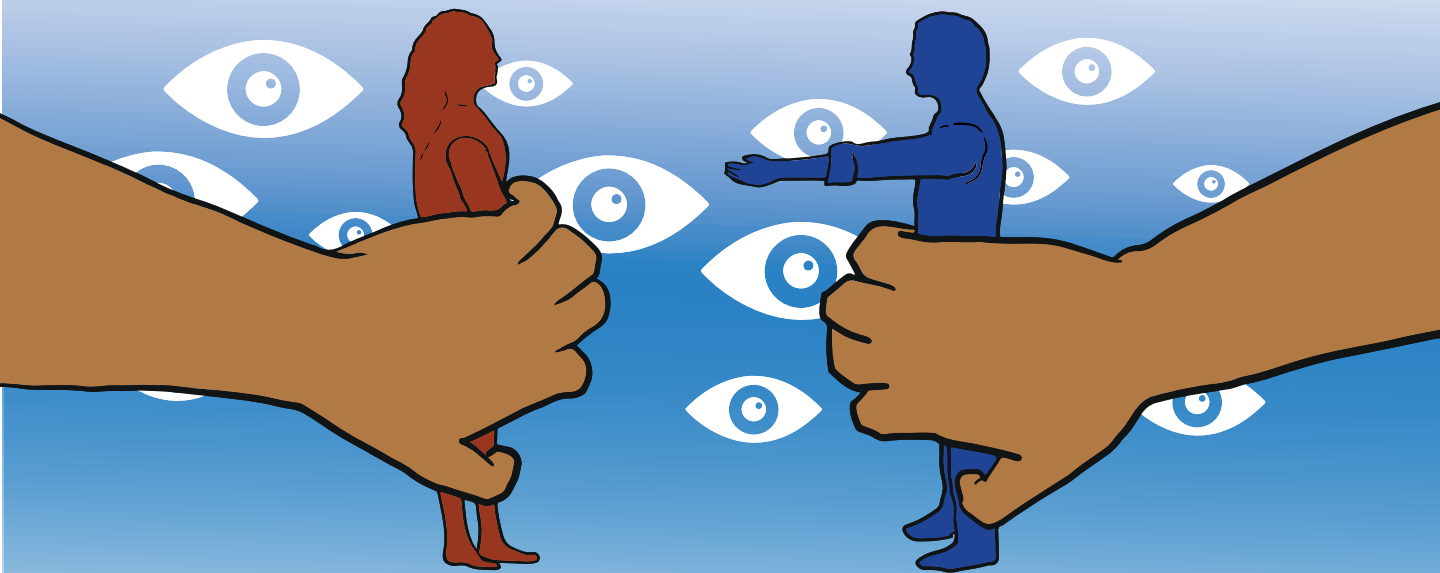
During our courtship, we maintained our boundaries. We kept our in-person conversations to a minimum. We conversed more on the phone and through SMS. In addition to pursuing engineering, I was learning Japanese. One day, the classes went on for longer than usual. It must have been 7.30 in the evening; Shankar was waiting for me and we travelled together by bus from Pollachi to Palani. Someone noticed us together and informed my mother that I was seen talking to some man on the bus.

My mother asked me about Shankar. Can you guess my mother's first question? It was, 'What is Shankar's caste?' I said he belonged to the Pallar caste. 'How can you speak to him? If anyone of our caste comes to know this, they will speak badly of our family,' she said. Seeing my mother's casteist response, I began to wonder about her reaction if she came to know of my decision to marry him. My family and close relatives came to know of my relationship with Shankar. They started using casteist slurs against him. They began attacking me as well. They started talking about getting me married. I had no place to turn to. I feared that my family would marry me off to someone else if I didn't marry Shankar right away.

Shankar had nine months to complete his education. He would be able to get a job only if he completed his studies. If we got married before that, how were we to run the family? We were worried. Shankar and I discussed all this. 'You study, I will work. After you complete your studies, you start working. Everything will be fine.' I told him. 'How can I send you to work?' Shankar asked. I told him that there was no other way. Shankar's friends promised to get us married. On July 11, 2015, at noon, I left home. Shankar was waiting for me. We went to one of Shankar's relatives' houses and asked to stay at their place for a day. They consented. The next morning, we got married in the Palani Padha Vinayakar Temple. Twenty of Shankar's friends attended the wedding.



My father, meanwhile, lodged a complaint at the Palani police station, alleging that Shankar had kidnapped me. We came to know of this. We went to the Udumalpet All Women's Police Station, along with Shankar's friends, and lodged a complaint that we feared my parents would harm us. The police informed my parents and Shankar's parents through the telephone. The police inspector asked me if it was right to leave my family and get married like this. 'Love lasts for 60 days, and desire for 30 days! You come from a family of means. You have married a poor boy. How will you live?' he asked. In the police station, my family surrounded me and said, 'Aren't you ashamed to bear the Thali tied by a Pallar guy? You better come with us or we will kill you.' One of my aunts said, 'You married a boy from a lower caste because you didn't want any boy from our own caste, right? Now remove all the gold jewellery we gave you.' I removed my chain, bangles, anklets, sari and slippers, and changed into the clothes that my husband had bought for me. In a room at the police station where I was removing the clothes given by my family, I sensed the depravity of caste and the insult I had to undergo because of it.

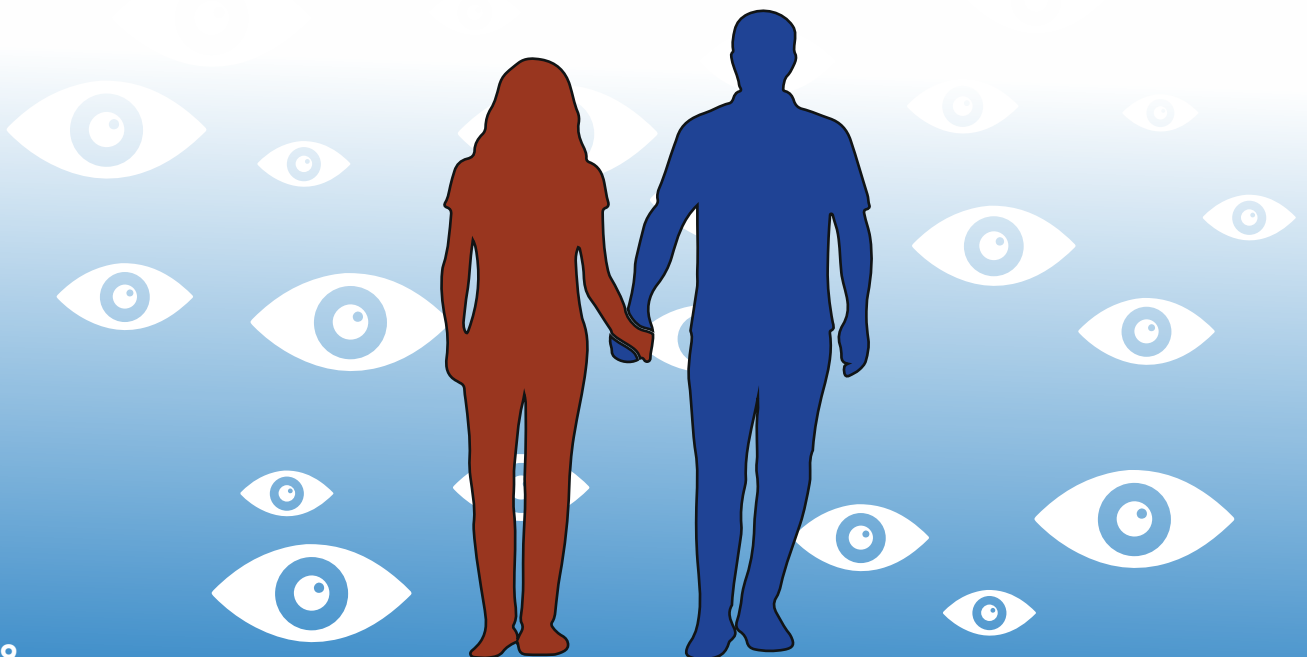


Owing to my resolve, the police took it in writing from my father that he would no longer bother me and my husband, and that he would in no way interfere in our life. I came home with Shankar. Shankar's father was my father; his brothers were my brothers... that was how I felt when I walked into their house. And that's how it continues even today.

On account of the case that my father had filed in the Palani police station, Shankar and I attended a court hearing on July 13, 2015, at 4.30 in the evening. My father, my mother, my aunts, my father's mother, and my father's friend had come. They requested

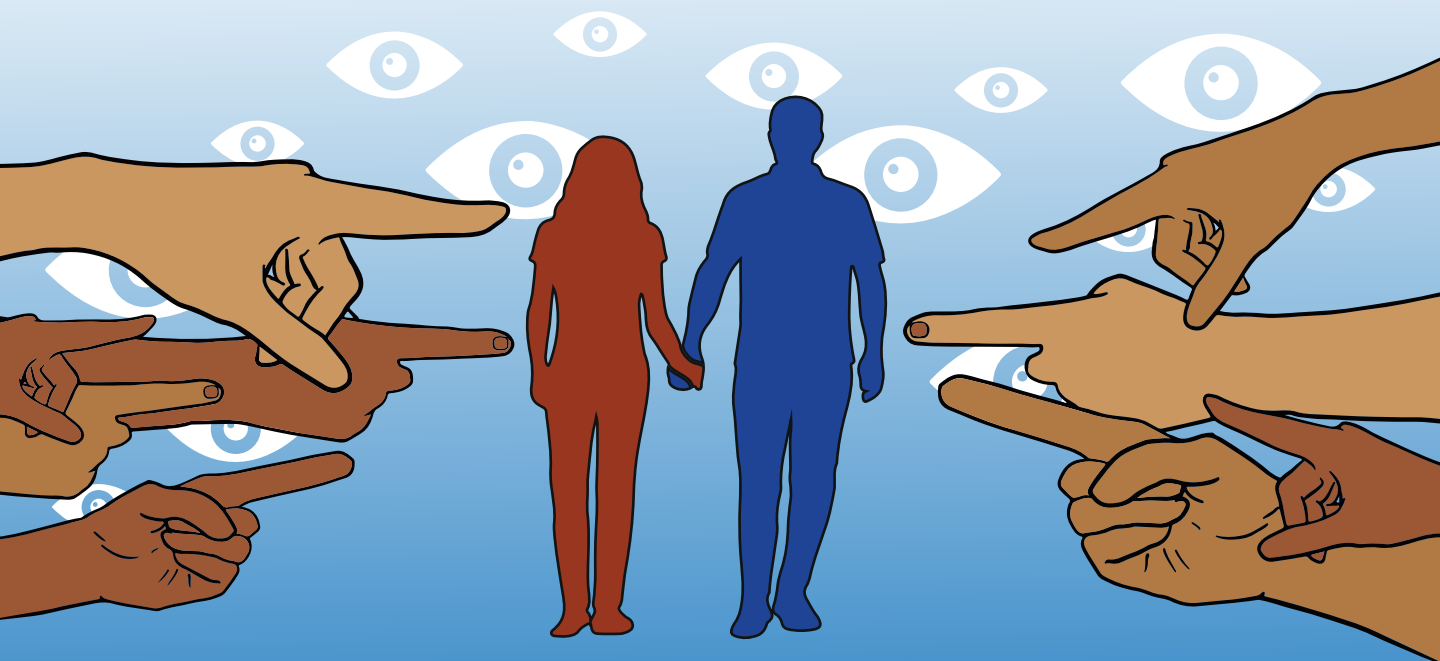
the police's permission to meet me for five minutes and surrounded me. Again, they said, 'Aren't you ashamed to bear the Thali tied by a Pallar guy? You better come with us or we will kill you.' I quietly turned away. This angered them, and my grandmothers and my aunts caught hold of my hair and started raining blows on my cheeks, on my breasts, on my back. I lost balance and fell down. Shankar ran to me and tried to save me. The police also came immediately and rescued me.

In court, I stated my wish to go back with my husband. The judge dismissed my father's complaint and said I was free to live with my husband. Shankar and I were scared, thinking about my parents' rabidity about caste. After returning from the court, Shankar and I never slept in his house. Each night we slept at a different relative's house. After a few days, my grandfather came to see me. He said, 'How are you? Your parents' anger will die down in a few days.' He spoke lovingly. He spent the whole day with us and returned the next day with some meat. He was drunk. Saying, 'Please cook this for your grandfather with your own hands,' he slept on the thinnai. I cooked and woke him up. He cried saying I was their family goddess. And, since he was heavily drunk, he couldn't eat himself. So I fed him and he went away, leaving his scooter behind. The next day my grandfather asked me to take him to the hospital as he was not well. My father and his friends were waiting for me. They forced me into a car and took me to see a godman. After the godman gave me some potions which I was forced to take I was taken to my aunt's place in Dindigul, where I stayed the night. Next, I was again taken to a godwoman, in the hope that she would change my mind. While listening to me, she suddenly changed her mind; she took Shankar's number and told him where I was.



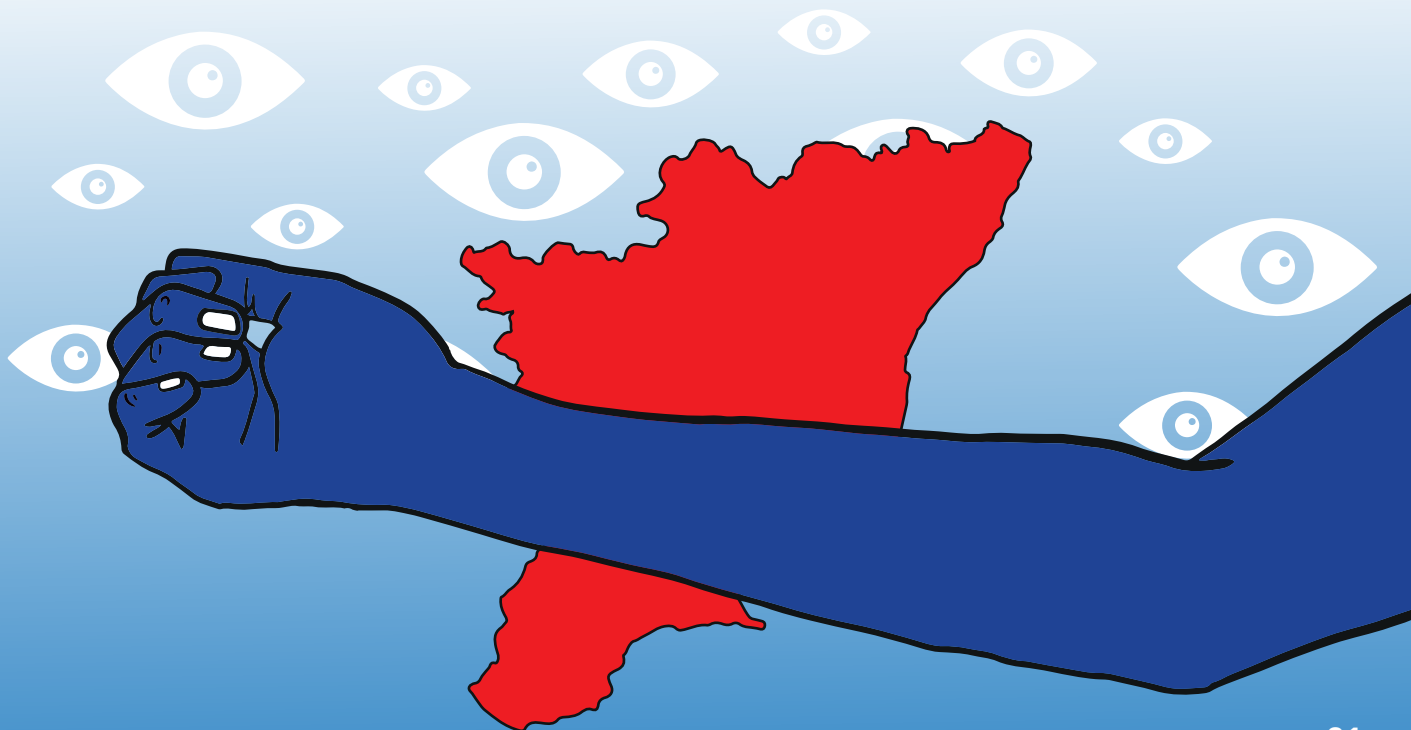
When I was kidnapped in Maduthukulam by my grandfather, Shankar and his father lodged complaints in the police stations in Komaralingam, Maduthukulam and Udumalpet (all-women police station). In the five days that I went missing, he had made all efforts to rescue me. When he finally saw me in the Maduthukulam police station, the relief and joy on his face were apparent. Since Shankar had a few more months of study left, I found a job at a tiles company. It was evident that my father had to submit to what the court said. Since our relationship was consensual, we were finally allowed to live together and my father could not do anything. But this was not the end.

In the month of January, Shankar and I went shopping in Udumalpet. My grandmother accompanied us. When we were walking past a hospital named Kavitha Srinivasan, a Scorpio car came to a halt before us. From the car, my parents, my aunt Uma and a few others got out. When I saw them I told Shankar to run. We ran, and they chased us. They caught me, and I screamed for help. Passersby and the police came to our rescue, and took us to the Udumalpet all-women's police station, where we realised that my grandmother had planned the whole thing. By then my family had escaped. The police then told us it would be impossible for them to provide us protection any longer, and advised us to move to some other place. After two months, my parents and some of our relatives came home one day and asked me to go with them. I said, 'This is my husband's home, and this is where I will live.' I was terribly hurt by my father's behaviour and said, 'I will not leave Shankar even if you give ₹10 crores.' To this, my father said, 'Our relatives are very angry with you, they will kill you and your husband. That's why I am warning you.' Since Shankar and I stood firm, my relatives left, hurling casteist abuses at us.



On the morning of March 13, 2016, Shankar told me, 'Tomorrow is the college annual day; get me a new shirt, baby.' I said, 'Definitely, let's go to Udumalpet .' He went out and returned after a haircut. We went to Udumalpet at 1 in the afternoon. We went into a textile shop and got him a shirt. When we came out, the shirt on the display window seemed better. So I suggested we get that instead. Then, we went in, got a different shirt, and came out. We had cool drinks at a nearby shop. I told him that we now had only ₹60 left for the month and so we must be frugal. He smiled and said, 'We'll manage dear. Tonight, I'll get some flour and make chapatis for you.' We happily chatted and walked. Then at 2pm, a group of five men in bikes surrounded us, pushed us on to the ground, and attacked us with knives. They started hacking at Shankar, and attacked me too. As they hacked Shankar, they shouted, 'How dare you love, you Pallar son-of-a-bitch.'

Shankar is dead. None of his friends turned up for his funeral. The whole world watched the CCTV recording of the gruesome hacking of Shankar and me. After receiving treatment for my grievous injuries, I sit here, a walking corpse. That my parents used my grandparents in this sends shivers down my spine. I thought what my parents had for me was love. I realise that they only have a love for the caste. *What family hires mercenaries to kill their own daughter and son-in-law? Shankar was the first-generation engineer; he had dreams. His caste snatched all those away. I might get justice. But will that bring back the love and life I lost, and will it put an end to that evil called caste?"*



DHRDS AND THEIR CEASELESS EFFORTS FOR JUSTICE

Table 3: Data on Interventions Done by Dalit Human Rights Defenders

State	FIR filed and copy given to family	Case filed under SC/ST Atrocities Act	Bail Dismissed of Accused	Compensation given to Family	Grief Counselling	Government Job given to one family member
Bihar	2	2	2	1	-	2
Gujarat	3	3	2	2	-	2
Haryana	3	2	1	1	1	-
Maharashtra	2	Not Known	Not Known	Not Known	-	-
Rajasthan	2	2	1	Not known	-	-
Tamil Nadu	5	5	4	3	5	-
Uttar Pradesh	2	2	1	No	-	-
Madhya Pradesh	Not Known	Not Known				Not Known
Total	19	16	11	7	6	4

In each of the cases reported across all eight states, the role of the DHRDs has been very important. In almost all the cases, the defenders ensured that the media publicised the cases to pressurize the police and administration to take appropriate action against the perpetrators. As can be seen in Table 3, in 19 cases the FIR was lodged and in 16 cases a complaint was lodged under the SC/ST Atrocities Act. The follow up of the status of the complaints, support provided to the victims, survivors and their families ensured that seven of them got compensation. Evidence activists in Tamil Nadu also provided counselling support to the victims. The required interventions should be offered by state governments, but the caste connivance within the system often ensures that the victims are neither heard nor protected. Hence, the activists' efforts in ensuring justice in several cases must be commended.

NEED FOR A COMPREHENSIVE LEGAL FRAMEWORK TO ADDRESS CRIMES IN THE NAME OF HONOUR

Since the crimes in the name of honour are committed specifically by parents and relatives belonging to dominant castes, there are specificities that need to be addressed by the law. These crimes cannot be treated as murders or attempt to murder as the impact is on entire communities and families. In this section the report traces some of the international laws and declarations, legal processes and judgements, and parliamentary questions raised from time to time.



INTERNATIONAL LAWS AND DECLARATIONS

In 2004, the United Nations General Assembly (UNGA) recalled its previous resolutions on crimes against women in the name of honour, and adopted the Resolution on 20 December 2004 59/165, working towards the elimination of crimes against women and girls committed in the name of honour.

This resolution begins with reaffirming United Nation's commitment to the Universal Declaration of Human Rights (UDHR) and other international covenants including the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). In this resolution, the UNGA stresses the need to treat all offences against women and children in the name of honour as criminal offences punishable by law. It also recognises that honour-based crimes can take many forms and that there is an urgent need to identify root causes of these heinous crimes, while also drawing attention to inadequate data on violence against women which hinders informed policy analysis.

The UNGA Resolution calls upon States to fulfil eleven recommendations aimed at curtailing honour violence. These include the need to increase awareness and recognise the significant role that media plays in awareness-raising campaigns. The resolution also lays emphasis on the role and responsibility of men in promoting gender equality and eliminating gender stereotypes.



The UNGA Resolution is a valuable document to base legislation or policy on. It addresses various facets of honour-based violence and the comprehensive steps required to tackle it. It advocates for the strengthening of and facilitating appropriate safe shelters, protection, counselling, legal aid, health care services, and rehabilitation and reintegration of survivors into society. Additionally, it recognises the importance of safe places to file complaints in. All in all, the resolution is one of the most extensive and thorough documents on checking honour violence.

The CEDAW states that "...State Parties [should] take all appropriate measures [...] to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices [...] and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

Specifically, with regard to 'honour' crimes, CEDAW General Recommendation 19 states that measures necessary to overcome family violence include a "legislation to remove the defence of honour in regard to the assault or murder of a female family member". Recommendation 19 also clarifies that traditional public and private ideologies that regard women as "subordinate to men" and seek to "justify gender-based violence as a form of protection or control" are harmful and do not take into account the right of choice that women are entitled to.

United Nations General Assembly Resolution A/RES/57/179 on working towards the elimination of crimes against women committed in the name of honour (2003) and United Nations General Assembly Resolution A/RES/59/165 on working towards the elimination of crimes against women committed in the name of honour (2005) both call upon Member States to take similar actions to eliminate 'honour'-based violence.

The Council of Europe Parliamentary Assembly's Resolution 1327 (2003), on 'honour crimes' sets clear standards for its Member States. The resolution calls for Member States to amend immigration laws to allow women at risk of an 'honour' crime to remain in the country; enforce the laws to punish all 'honour' crimes and treat complaints of violence as serious criminal matters; ensure the effective and sensitive investigation and prosecution of 'honour' crimes; exclude 'honour' as a mitigating factor or justifiable motive in criminal proceedings; take steps toward implementation of honour crimes legislation and train policymakers, law enforcement and the judiciary on the topic, and strengthen female representation

within the legal sector.

The European Parliament’s resolution of April 5, 2011, on the priorities and outline of a new EU policy framework to fight violence against women (2010/2209(INI)) urges European Union member states to “reject any reference to cultural, traditional or religious practices as a mitigating factor in cases of violence against women, including so-called ‘crimes of honour’”.

The Stockholm Platform for Action to Combat Honour Related Violence in Europe, October 7 and 8, 2004 (pages 108-09), sets forth several recommendations for EU Member States and the EU. Among them, it recommends the strengthening of victim support and rehabilitation services, including social, health, legal, and educational support, adequate safe housing, shelters, support lines, counselling services and information campaigns.

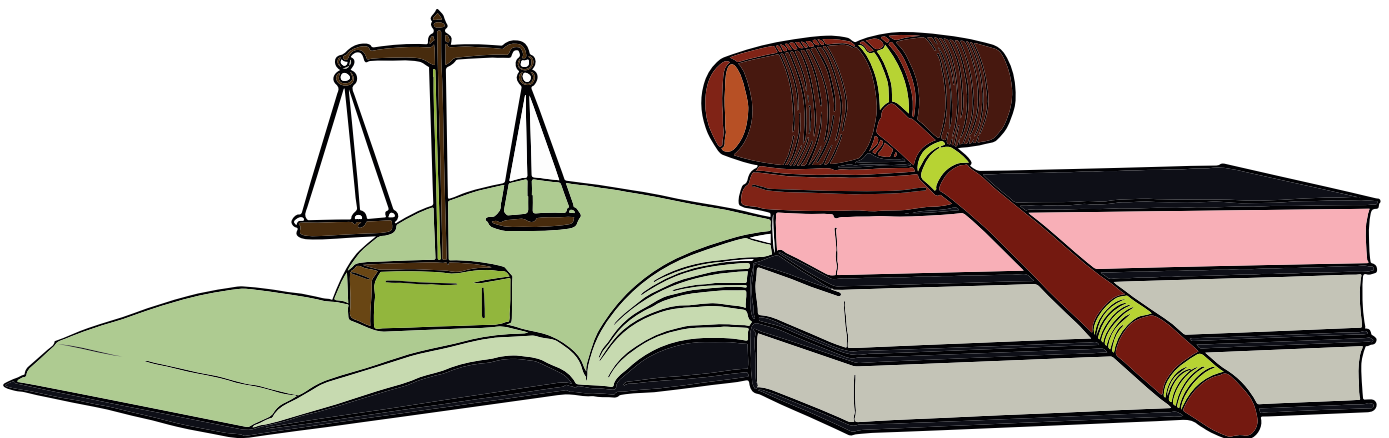
The Platform for Action on Women’s Human Rights from the UN Fourth World Conference on Women calls upon states to “take urgent action to combat and eliminate violence against women, which is a human rights violation resulting from harmful traditional or customary practices, cultural prejudices and extremism”.

The International Covenant on Civil and Political Rights (ICCPR) asserts that “every human being has the inherent right to life” in addition to “the right to liberty and security of persons”.



THE LEGISLATIVE ACTIONS SO FAR IN INDIA

Considering the number of honour crimes in India, several attempts were made to formulate a specific law to address them. In 2010 'The Prevention of Crimes in the Name of 'Honour' & Tradition Bill, 2010' was developed but never tabled in the Parliament for discussion or debate. In 2012, the Law Commission of India submitted Report No. 242: 'Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework'. This 2012 Law Commission report was prepared by Justice (Retd) PV Reddi as Chairman, with Justice (Retd) Shiv Kumar Sharma and Amarjit Singh as members, with the mandate "to curb the social evil of the caste councils and panchayats interfering with and endangering the life and liberty of young persons marrying partners belonging to the same gotra or a different caste or religion".



At the very outset, we can see that the authors of the Law Commission report take a simplistic view of curtailing honour-based crimes, stating, "Such honour crimes can be effectively checked by prohibiting the assembly or gathering of such members of panchayats for the purpose of condemning the marriage and taking further action of harming or harassing them". Worryingly, the report also states, "Changing cultural and economic status of women and the women going against male dominated culture has been one of the causes of honour crimes." While on the face of it, this seems like an accurate statement, it places causation of crime on women's actions rather than on patriarchy, systemic oppression and caste. There also seems to be an attempt to minimise the prevalence of honour-based crimes in India, with statements like, "In some cultures, honour killings are considered less serious than other murders because they arise from long-standing cultural traditions and are thus deemed appropriate or

justifiable.” Assertions like these, without examining what these ‘cultural traditions’ are and how they apply to a country like India are problematic.

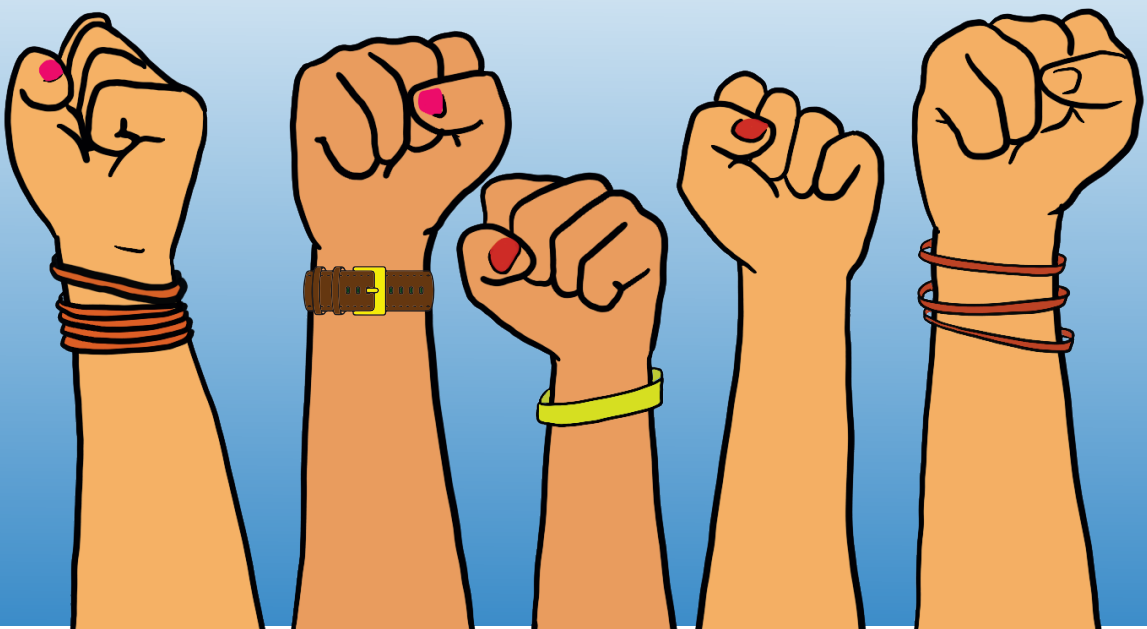
A claim is made that in India most honour killings are reported only from the states of Haryana, Punjab, Rajasthan and Uttar Pradesh. Honour crimes in these states are most often a result of people marrying without their family’s acceptance and marrying outside caste or religion, or within the same gotra (family name). These marriages are condemned by vigilante caste councils known as khap panchayats, claiming to be community guardians. However, as this report does highlight, honour crimes are prevalent across the country, and many go unreported, often seen as a ‘private family matter’.

The report mandates death penalty in cases of honour killings. *The death penalty is problematic in that it has been used as a tool of appeasement. The certainty of punishment will be more effective than the quantum of punishment.*



NATIONAL COMMISSION FOR WOMEN'S DRAFT BILL ON HONOUR KILLING

The draft bill prepared by the National Commission for Women under Dr Girija Vyas was presented to the Parliament after analysing the 2012 Law Commission report on honour killings. This draft Bill included several issues that were not addressed in the Law Commission report. The definition of honour killing in the 'Statement of Object and Reasons' in the report is comprehensive. A crime in the name of 'honour' is one of a range of violent or abusive acts, including emotional, physical and sexual abuse, and other coercive acts. In each of these cases, the family of the girl who has decided to exercise her choice to marry is implicated. The family, sometimes alone and often in association with other relatives, friends, or other bodies of persons like the 'caste' or 'khap' or community-based panchayats, is instrumental in committing these killings and crimes. On certain occasions, the main perpetrators of these crimes and killings are the 'caste' or 'khap' or community panchayats. These panchayats or associations, through various kinds of coercive and punitive actions, create terror and stop marriages and associations on the basis of choice.



It addresses the nature of honour-based crimes as including emotional, physical and sexual violence and other abusive acts while also clearly marking the usual perpetrators of such crimes. The draft goes on to state that these acts violate the Constitutional right to life, liberty, choice and consent. This is important because the existing provisions of the Indian Penal Code are inadequate to deal with honour-based crimes, which are heinous and need to be tackled strongly.

The bill also considers all members of a caste, clan, community or caste panchayat who are present and who participate or incite the commission of the act by which death is caused guilty of committing the act itself.



THE RAJASTHAN BILL OF 2019

The problem with the bill begins in the title, 'Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019'. It is restrictive in so far as it frames itself within the realm of matrimony. It also borrows heavily from the Law Commission report on honour killing without making changes to better fit contemporary situations. This is reflected in the fact that this bill was drafted and passed with little to no discussion or consideration of public opinion. The bill was also not sent to a select committee. The law against honour-based crimes should be approached within the ambit of 'right to choice'. This will bring it within the context of other problematic laws that have been recently enacted in (Karnataka, Uttar Pradesh, Gujarat, Chhattisgarh, Odisha, Madhya Pradesh, Arunachal Pradesh, Uttarakhand and Jharkhand) in India, e.g. love jihad laws.

Love jihad laws are designed to prevent 'forcible conversions through marriage'. These laws collectively have an impact on the right of people to choose their partner. This law is wholly a criminal law and offers no civil remedies. The Protection of Women from Domestic Violence Act, 2005 (DV Act), can be used as a template to include civil remedies in laws like that against honour killing. Like the Law Commission report, this bill advocates



for the death penalty as punishment, while keeping fines and penalties low. The compensation is woefully low.

As evidenced in the title, it lays emphasis on 'tradition' without attempting to define the term. The bill upholds antiquated belief systems within restrictive societal norms. No preventative measures are enumerated. For example, no mention has been made of systems of protection and aid before the incident occurs. There is also no mention of legal aid, support or advice to those affected by honour-based crimes. It only deals with what happens after killing, and has no provision for post-mortem.

PARLIAMENTARY QUESTIONS RAISED IN THE LOK SABHA

Attempts have also been made to ask relevant questions in the Parliament by some parliamentarians considering the gravity of such crimes. Whether the Central Government will be interested in addressing honour crimes in all seriousness is another matter. In an unstarred question in the Lok Sabha Question No. 1485 to be answered on the 8th December 2015, raised by Shri Mahesh Girri:

The Honourable Member of Parliament raised six questions to the Minister of Home Affairs;

- a) Whether there has been an increase in the incidents of honour killings in the country;
- b) If so, the details thereof and the total number of such cases reported, guilty arrested and action taken against them during each of the last three years and the current year, State-wise;
- c) Whether the government has conducted any survey on honour killing and to identify specific areas in the country where large number of such incidents are taking place;
- d) If so, the details and the outcome thereof;
- e) Whether the Government has issued any directives to the states and police departments to stop such cases in future;
- f) If so, the details thereof and the reaction of the states and police departments in this regard, along with other corrective steps taken to check such cases in future

The questions were answered by the Minister of State, Shri Nityanand Rai in the Ministry of Home Affairs. The minister also gave references to NCRB data for honour killings which have been collected from 2014 onwards.

He states that no survey has been conducted on honour killings. He however makes a reference to a 2009 advisory by the Ministry of Home Affairs on violence against women which specifically alludes to honour killings, forced marriages and other forms of violence. The Minister gives no data of any action taken by the Centre of the States in this regard.



In another unstarred question in the Lok Sabha Question No. 2106 answered on the 31st July, 2018 2106 raised by Shri Venkatesh Babu T.G:

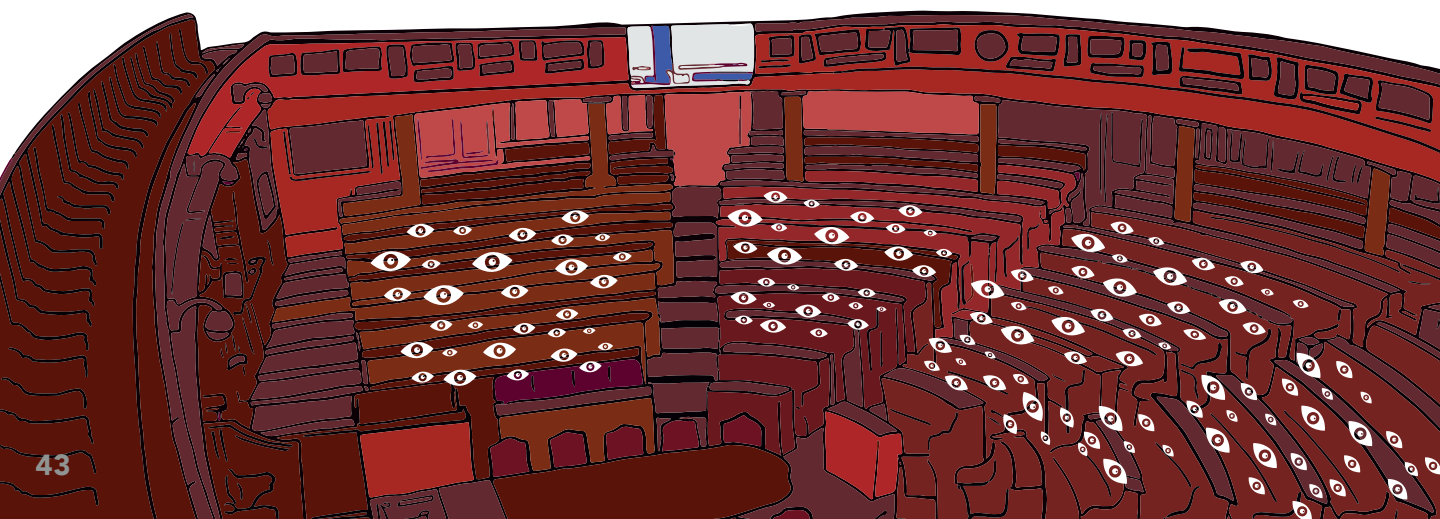
The Honourable Member of Parliament raised four questions to the Minister of Home Affairs;

- a) Whether the Government is aware of the increasing incidents of honour killing reported from various States in the country;
- b) If so, the details thereof and the number of such incidents reported during each of the last three years, State-wise;
- c) Whether the Government has directed the States to identify the places which are vulnerable to honour killings and to create special cells with a 24-hour helpline; and
- d) If so, the action taken by the States thereon, State-wise?

The questions were answered by the Minister of State, Shri Nityanand Rai in the Ministry of Home Affairs. The Minister for State referred to the NCRB information in stating that a total of 28 cases in 2014, 251 cases in 2015 and 77 cases in 2016 were reported with honour killing as the motive. He then makes reference to the Supreme Court judgement in Shakti Vahini vs Union of India by merely repeating the directives mentioned in the judgement. He makes no statements as to actions taken by the Centre or any of the states.

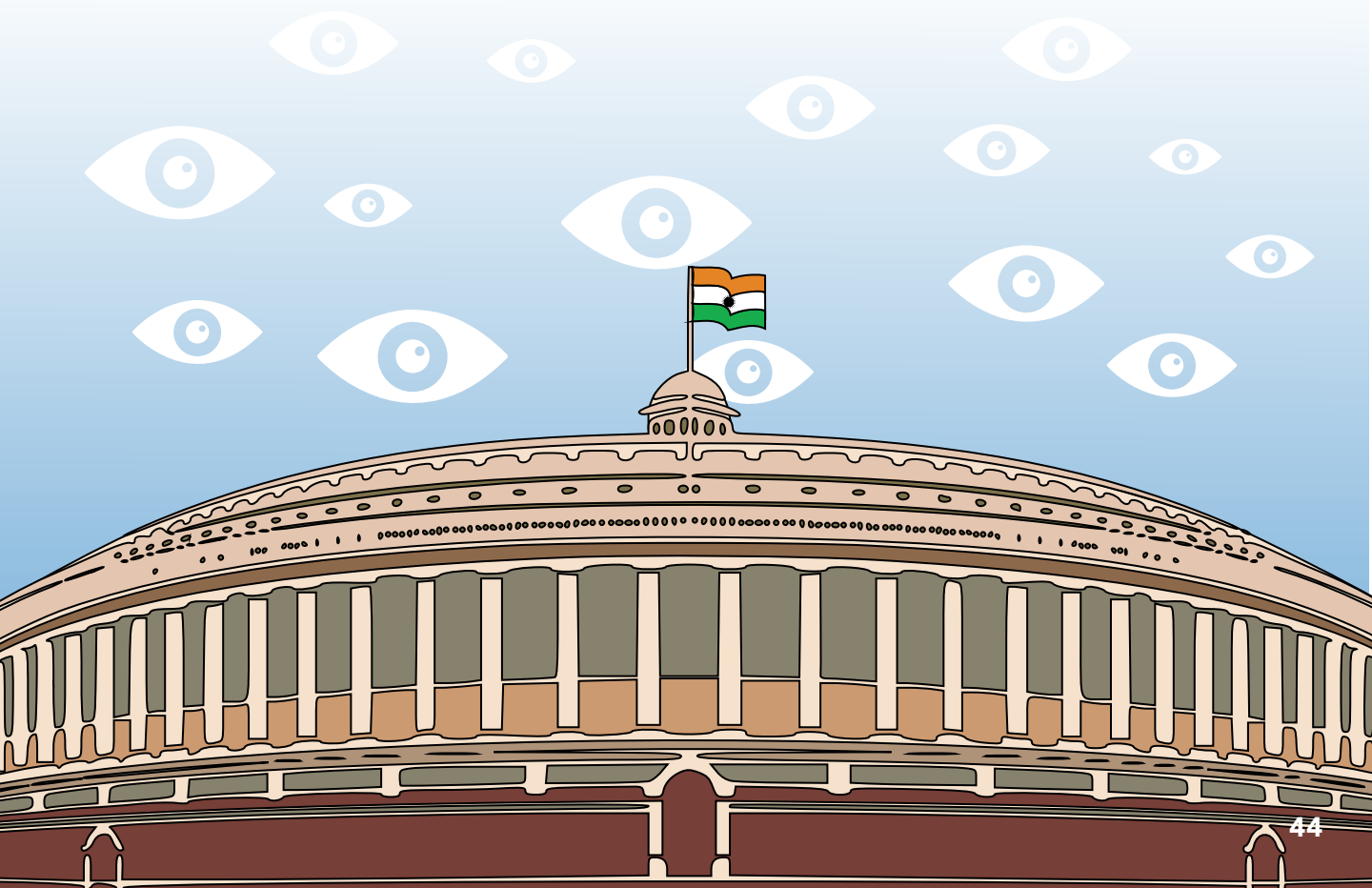
In a third unstarred question Question No. 2609 raised by Shri Thol Thirumaavalavan in July, 2019, asked in the Parliament:

- (a) whether the Government has any proposal to bring a Bill to curb honour killings;
- (b) if so, the details of actions taken on the draft bill to curb honour killings submitted by the Law Commission of India;
- (c) the details of honour killings reported in the country during 2018?



The answer provided by Minister of State in The Ministry Of Home Affairs (Shri Nityanand Rai) was quite unsatisfactory and was as follows:

(a) & (b) Cases of "murder" and "culpable homicide not amounting to murder" with motive of honour killing are covered under sections 302 and 304 of the Indian Penal Code respectively. Further, in pursuance of Supreme Court's judgement dated 27-03-2018, in W.P. (C) No.231 of 2010, Ministry of Home Affairs has issued a comprehensive advisory on 31st May, 2018 to all State Governments and UT Administrations to take / implement preventive, remedial and punitive measures to address the issues relating to 'honour crimes'. Preventive steps inter-alia include identification of districts, sub-districts and villages having reported instances of honour killing etc. in the last five years, sensitization of police officers to be vigilant in this regard, timely and prior reporting of such gatherings to senior officers etc. Remedial measures inter- alia include immediate registration of FIRs, effective investigation of the crime and provision of security to the couple / family. Punitive measures inter-alia include initiation of departmental / disciplinary action against erring police officials, creation of special cells in every district along with a 24 hour helpline and trial of the cases before the designated Court/ Fast Track Court earmarked for the purpose.



SOME SIGNIFICANT JUDGMENTS

In *Afr Bibhuranjan Dalai And Others vs State Of Odisha And Others* on November 16, 2020, the Honourable Orissa High Court chastised the casual way in which autopsies were conducted. They also pulled up the police for their bias and delayed investigation, citing improper work done by them leading to handing over of the investigation to another agency.

In *Bhagwan Dass vs State (NCT) Of Delhi* on 9 May, 2011, a Division Bench of Justice Markandey Katju and Gyan Sudha Misra viscerally condemned honour killings in India, saying, "In our opinion honour killings, for whatever reason, come within the category of rarest of rare cases deserving death punishment. It is time to stamp out these barbaric, feudal practices which are a slur on our nation. This is necessary as a deterrent for such outrageous, uncivilised behaviour. All persons who are planning to perpetrate 'honour' killings should know that the gallows await them."

In *S Khushboo Vs. Kanniammal & Another* (AIR 2010 SC 3196), the Honourable Court delved into the idea of the sexual choice of women. It recognized the choice of adult women to marry or cohabit as they choose, stating: "While it is true that the mainstream view in our society is that sexual contact should take place only between marital partners, there is no statutory offence that takes place when adults willingly engage in sexual relations outside the marital setting... A major girl is free to marry anyone she likes or live with anyone she likes."

The bench further added: "Notions of social morality are inherently subjective and the criminal law cannot be used as a means to unduly interfere with the domain of personal autonomy. Morality and criminality are not coextensive."



Arumugam Servai vs. State of Tamil Nadu (2011(6) SCC 405) cracked down on the rise of extra-judicial bodies in India that were dispensing punishment in cases of inter-caste marriages. The judgement further reiterated that these bodies (katta/khap panchayats) have no legal scope or power, however, their word is often taken as law. Unfortunately, punishments meted out by khap panchayats and katta panchayats can be death and the law needs to address these acts.

In *Deepika and Another vs State Of U.P. And 3 Others on 11 November 2013*, the Court censured police action in any circumstance where they took coercive action against a young couple. It reiterated that the police's job is limited to verifying the age of a couple and not interfering in the relationship on behalf of the parents or families.

"As noticed by the Supreme Court, honour killing has become commonplace in Western Uttar Pradesh. If the tendency to overreach the rule of law is not nipped in the bud, it would corrode the very foundation of our Constitution on which its grand edifice rests. The consequences are fraught with the danger of the collapse of our institutions and rule of law that will lead to anarchy."

In *Kodungallur Film Society vs Union Of India on 1 October, 2018*, the Court recognized that honour killings in India are often the work of mob violence. Entire communities can be involved in honour-based crimes. Dictated by khap panchayats are directed towards all members of a caste or community in a village against the couple in the inter-caste relationship. The court went on to ask for a comprehensive structure to be evolved in the respective states where such crimes are taking place and has provided with detailed measures for prevention, response, increasing accountability of responsible officials and compensation to victims/survivors.

In *State of West Bengal vs Mir Mohammad Omar & Ors (2000 8 SCC 382)*, the Court pondered over the question of burden of proof, observing that "The pristine rule that the burden of proof is on the prosecution to prove the guilt of the accused should not be taken as a fossilised doctrine as though it admits no process of intelligent reasoning. The doctrine of presumption is not alien to the above rule, nor would it impair the temper of the rule. On the other hand, if the traditional rule relating to burden of proof of the prosecution is allowed to be wrapped in pedantic

coverage, the offenders in serious offences would be the major beneficiaries and the society would be the casualty."

In *Masalti v. State of U.P.* (1964) 8 SCR 133, the observations of the Supreme Court on partisan witnesses are particularly important. The witnesses in these cases are often families, neighbours or members of the same community or village. Many of them would know each other and be considered partisan. However, that is not enough to reject them outright. "But it would, we think, be unreasonable to contend that evidence given by witnesses should be discarded only on the ground that it is evidence of partisan or interested witnesses. The mechanical rejection of such evidence on the sole ground that it is partisan would invariably lead to failure of justice. No hard and fast rule can be laid down as to how much evidence should be appreciated. Judicial approach has to be cautious in dealing with such evidence; but the plea that such evidence should be rejected because it is partisan cannot be accepted as correct."

In *State of U.P. v. Ballabh Das* AIR 1985 SC 1384 the Supreme Court held that, "It was contended on behalf of the appellant that the High Court erred in setting aside the conviction of the respondents on the ground that all the witnesses examined to prove the occurrence were interested persons and hence no reliance could be placed on their evidence. To begin with, we dare say that this was doubtless an absolutely wrong and perverse approach. There is no law which says that in the absence of any independent witness, the evidence of interested witnesses should be thrown out at the behest or should not be relied upon for convicting an accused.

"What the law requires is that where the witnesses are interested, the court should approach their evidence with care and caution in order to exclude the possibility of false implication.

"We might also mention that the evidence of interested witnesses is not like that of an approver which is presumed to be tainted and requires corroboration but the said evidence is as good as any other evidence. It may also be mentioned that in a faction ridden village, as in the instant case as mentioned by us earlier, it will really be impossible to find independent persons to come forward and give evidence and in a large number of such cases only partisan witnesses would be natural and probable witnesses."

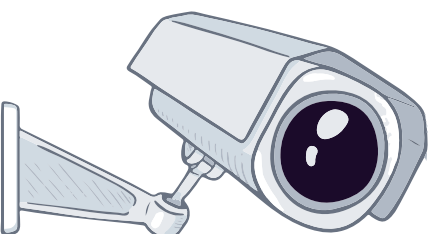
In *Badri v State of U.P.* 1975 Cri LJ 1739 the court made the following observations: "In case where a murder takes place in a village where there are two factions bitterly opposed to each other, it would be idle to expect independent persons to come forward to give evidence and only partisan witnesses would be natural and probable witnesses to the incident. In such a case, it would not be right to reject their testimony out of hand merely on the ground that they belonged to one faction or another. Their evidence has to be assessed on its own merits."

In *Nathu vs State Of U.P.* On 12 July, 2013, the Honourable Court reinforced the need for prompt and efficient police work. The Police force needs to be unbiased and quick so that valuable evidence is not lost or interfered with.

"Honour killing seems to be spreading its tentacles in certain sections of society. It connotes a certain mind-set, that the chastity of the girl belongs to her family. This is a dangerous trend, which is not only to be deprecated but a holistic effort is to be made by all sections of the society to eliminate it completely. The role of the police is of considerable significance for conducting prompt, efficient and independent investigation so that the real perpetrators of the crime are brought to book. Going by our experience in the instant case, we are of the view that in a case pertaining to honour killing, the investigating agency should not submit a final report unless the same has the approval of an officer not below the rank of Superintendent of Police. This is with a view to prevent the mischief of submission of a motivated final report."

The Apex Court in *Shakti Vahini Vs. Union of India* (2018) 7 SCC 192 came down heavily on the perpetrators of 'honour killings', which the Court found not only horrific and barbaric but also interfering with the right to choose a life partner and the dignity of an individual.

The Apex Court held as under: "The concept of liberty has to be weighed and tested on the touchstone of constitutional sensitivity, protection and the values it stands for. It is the obligation of the Constitutional Courts as the sentinel on the qui vive to zealously guard the right to liberty of an individual as the dignified existence of an individual has an inseparable association with liberty."



“The choice of an individual is an inextricable part of dignity, for dignity cannot be thought of where there is erosion of choice. True it is, the same is bound by the principle of constitutional limitation but in the absence of such limitation, none, we mean, no one shall be permitted to interfere in the fructification of the said choice. If the right to express one's own choice is obstructed, it would be extremely difficult to think of dignity in its sanctified completeness. When two adults marry out of their volition, they choose their path; they consummate their relationship; they feel that it is their goal and they have the right to do so. And it can unequivocally be stated that they have the right and any infringement of the said right is a constitutional violation...”

In *Vikas Yadav vs. State of U.P. and Another* and *Asha Ranjan vs. State of Bihar*, the court focused specifically on a woman's choice to marry the person of her choice. It laid stress on independence, liberty and the right to life that everyone is entitled to. The Court held that, “One may feel ‘My honour is my life’ but that does not mean sustaining one's honour at the cost of another. Freedom, independence, constitutional identity, individual choice and the thought of a woman, be a wife or sister or daughter or mother, cannot be allowed to be curtailed definitely not by the application of physical force or threat or mental cruelty in the name of his self-assumed honour.



“That apart, neither the family members nor the members of the collective have any right to assault the boy chosen by the girl. Her individual choice is her self-respect and creating a dent in it is destroying her honour. And to impose so called brotherly or fatherly honour or class honour by eliminating her choice is a crime of extreme brutality, more so, when it is done under a guise. It is a vice, condemnable and deplorable perception of ‘honour’, comparable to medieval obsessive assertions.”

The Supreme Court reiterated that the right of a person in choosing a partner is a legitimate constitutional right recognized under Article 19 of the Constitution of India, by saying, “...choice of a woman in choosing her partner in life is a legitimate constitutional right. It is founded on the individual choice that is recognized in the Constitution under Article 19, and such a right is not expected to succumb to the concept of "class honour" or "group thinking". It is because the sense of class honour has no legitimacy even if it is practised by the collective under some kind of a notion.”

Most of the judgements have brought forth the urgent need to address the crimes in the name of honour, questioned the idea of moral surveillance of a woman’s choice and sexual agency and also exhorted for strong actions against such crimes. The Supreme Court has emphasised the choice of women and questioned the idea of ‘honour’.



CONCLUSION AND RECOMMENDATIONS

The research throws up several disturbing issues with regard to crimes in the name of 'honour'. The enmeshed caste-based patriarchy, extreme forms of violence and backlash against choice relationships and marriages, framing of women's bodies as sites of 'honour' and consequent curtailment of women's agency all are against the Constitutional guarantees of the country. The existing laws are limited in their approach and the crimes are not mere 'murders' or 'law and order' matters as has been treated in most of the cases. There needs to be a comprehensive law and accompanying gender equality policies, which include three major aspects: prevention, protection and redressal. The idea of 'honour' (izzat) needs consistent unpacking and interrogation, especially when it gets attached to women's bodies and sexualities.

Honour killings are more prevalent across India than what is reported in the official statistics and by mainstream media. Besides getting underreported, these crimes are also often categorized under the existing provisions of the Indian Penal Code under crimes such as murder, injuries, kidnapping, etc. In spite of the legal shortcomings, there has still been a discernible rise in the reported cases of honour killings in India. A long process of advocacy and planning is required to develop a comprehensive law and also work towards making it a reality.

The report underscores the need for addressing crimes in the name of honour in India urgently. Due to the horrific nature of these crimes, there is a need to take concerted efforts to address and arrest the rise of such crimes. The responsibility lies with the State in partnership with the survivors/victims and civil society organisations. The State needs to acknowledge, and support the ongoing struggles of couples who are in inter-caste relationships and marriages to attain their rights and protect themselves against a culture of masculine and barbaric familial and community led violence. Hence the government needs to set up a Committee and conduct consultative processes with survivors/victims, civil society organisations, lawyers, police and other stakeholders for developing a comprehensive legal framework and a plan to address such crimes.

SPECIFIC RECOMMENDATIONS

Three key aspects need to be addressed to approach the crimes in the name of honour holistically. These are:

Preventive Measures

i) To prevent such crimes from happening the government needs to urgently mainstream an intersectional gender perspective in all government (home, women and child, rural and urban development, transport and such others) development policies and programmes.

ii) The government needs to commit to the abolition of caste-based discrimination and violence and caste-based patriarchy as national goals with the specificity of caste-class and gender-based violence against women, men, boys and girls being acknowledged, and that its abolition be incorporated into law and policy.

iii) Preventive steps with regard to countering the culture of impunity through community based non-formal education interventions at the local levels is required urgently, wherein, community outreach and training on caste-based discrimination, women's rights and their bodily integrity needs to be discussed and debated. Masculinity and its harms for men and women also need to be included as part of the curriculum in these settings. National-level public campaigns should be initiated and encouraged by state agencies and departments to promote equality and challenge caste-based and gender-based discrimination and violence, through schools, colleges, universities, the media (including social media) and other creative forms like theatre and films.

iv) Develop and implement specialised programmes for awareness-raising and training at all levels of police officers, law students, judges and prosecutors, village council representatives and bureaucrats, with regard to the situation of women in Scheduled Caste, OBC, religious minorities and other marginalised communities in general and violence against them in particular, as well as to eliminate casteist and sexist stereotypes.

Protective and Rehabilitation Measures

- i) Considering the issues of endangerment the state should provide quality safe homes, meant specifically for couples facing threats and intimidation from their families, wherein their location is kept confidential and adequate security is provided for them. These shelter homes should also have adequate counselling provisions and must not be clubbed with other facilities for women in distress like One Stop Centers (OSC)
- ii) An interesting policy decision has been taken by the Telangana government wherein it is incentivising inter-caste marriages through monetary support. This is be a possible way to ensure that couples can afford safe housing, legal fees, etc.
- iii) Compensation given to victims must be substantial and support them for the future. All fines collected from the perpetrators must go to a fund to be used for the benefit of the victims. The fund should be used for appropriate livelihood generation and financial support to secure and improve the living conditions of survivors/victims and their families.



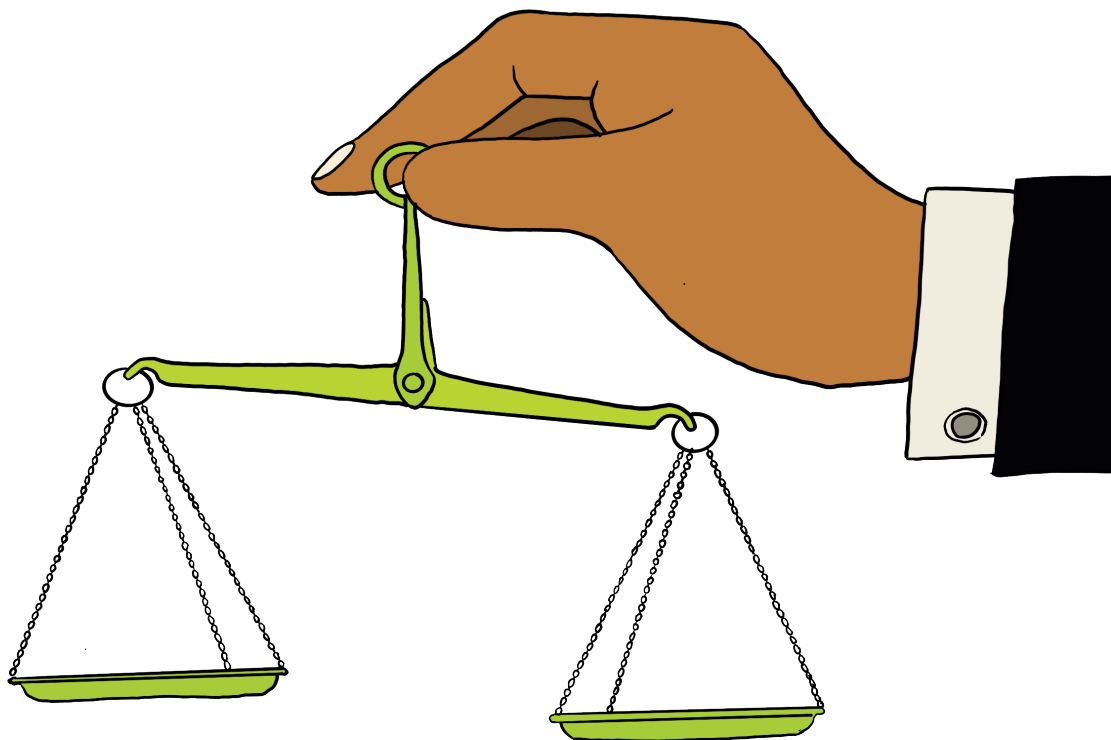
Redress Mechanisms and Support

i) Need for a Legislation: Paramount in India is the need for a dedicated law against honour-based crimes and honour killings. At the time of writing of this report, there is no law in India to specifically address these crimes. Both judicial and government bodies are not averse to the enactment of such a law

There is also a need to widen the scope of definition under crimes in the name of honour. Due to the vile nature of crimes committed, existing laws do not sufficiently cover the ambit of crimes that are committed in the name of honour.

Punishment of the accused: Convictions for honour killings in India can result in the capital punishment. The justification for this is that honour killings are gruesome and detrimental to the unity and growth of society and therefore qualify as the gravest of grave crimes. However, death penalty is cruel in itself and is against natural justice. **Therefore, more than the severity of punishment, it is the certainty of punishment that is effective.**

All related and specific laws especially the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (including the 2015 amendments) need to be read together with the specific law for crimes in the name of 'honour'. This will ensure the creation of a legal framework which acknowledges and recognises caste-based and gender-based crimes as part of crimes in the name of 'honour'.



Access to Legal Aid and other Ancillary Services for the survivor and victims of honour crimes

Many victims of honour crimes come from socially and/or economically backward communities and circumstances. Their entire process of interactions with the criminal justice system is often long and traumatic. Even the simple act of filing a complaint becomes difficult as police are sometimes combative and unwilling to even register an FIR.

Access to legal aid is imperative to bring perpetrators to justice. There should be a well laid out guide detailing the entire process, from filing a complaint to attending court. The legal aid lawyer should be assigned to them without any delay.

Victim and witness protection should be made a priority.

Access to mental health and trauma support services must be readily available

They should have access to free medical care inclusive of therapy and other allied mental health services. These services should be free and provided at a government hospital of their choosing. Medical information pertaining to the victims must be kept confidential.

Post-mortems must be done on all victims of honour killings. The procedure must include a doctor of the choice of the victims' family and should be done in panel. The process has to be expedited.



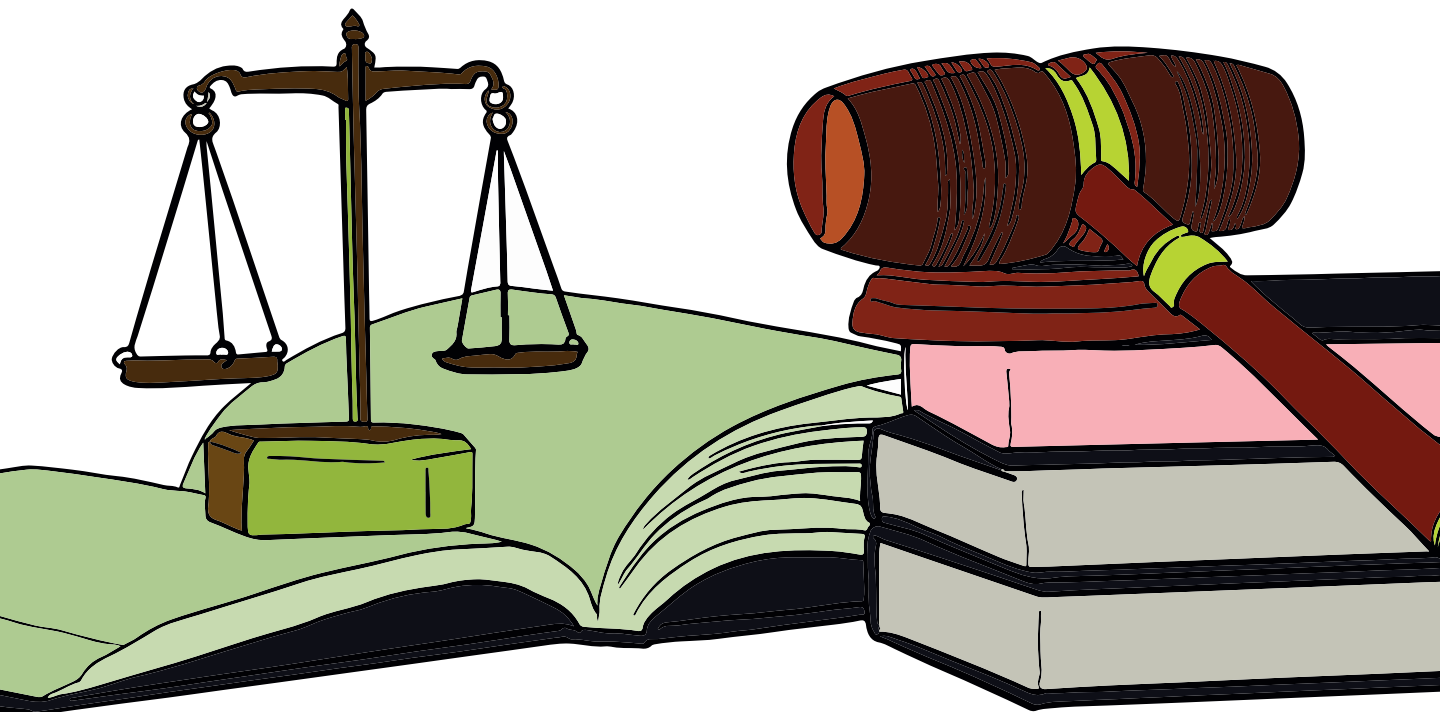
The Special Marriage Act needs to be simplified and the procedure for the registration of marriages must be made quicker in order to avoid unnecessary hassles and harassment from external sources. The time gap between the date of giving notice of marriage and the registration should be removed and the entire process of registration of marriage should be expedited. The domicile restriction should also be removed. We are aware that an amendment is proposed to the Special Marriage Act by the Government of India by introducing a Bill in the Parliament. The Act should be looked in tandem with Right to Freedom of Religion in the Constitution of India. Articles 25 to 30 and 325 of the Constitution contain the secular provisions.



Additional Recommendations on Recording of Crime Statistics

The National Crime Record Bureau (NCRB) records statistics related to crimes in India every year. It is only since 2014 that, the NCRB has been recording crimes registered under the heading 'Honour Killing', which are unreliable and partial. As there is no law, most cases get registered under murder or other provisions of the IPC. Very few cases are properly registered as honour killings. Data should be studiously collected on crimes in the name of honour. An exclusive database must be maintained at the district, state and national levels.

The NCRB needs to discuss through a consultative process with key stakeholders including civil society organisations who work with the survivors/victims to develop clear indicators and statistics for recording crimes in the name of 'honour'.



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ABOUT US

Dalit Human Rights Defenders Network (DHRDNet)

DHRDNet is a coalition of over 1000 Dalit human rights defenders from across India. The main objective of DHRDNet is to create an efficient network of leading Dalit Human Rights Defenders to combat rights abuses and to ensure that anti-discrimination mechanisms are properly and thoroughly implemented.

Find out more about DHRDNet:

Website: www.dhrdnet.org

Instagram: @dhrdnet

Twitter: @dhrdnetwork

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National Council of Women Leaders (NCWL)

NCWL is a coalition of women leaders who belong to marginalised communities across India working at the grassroots to support and empower marginalised women and girls in their communities.

Find out more about NCWL:

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