

Honour Killing in India and role of Khap Panchayats

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Abstract - A horrific example of cultural customs and society standards that put family honour ahead of personal freedom and rights are honour murders. throughout spite of societal disapproval and legal restrictions, these heinous crimes—which are mostly committed against women—recur throughout India. Examining the issue of honour murders in India, this study focuses especially on the important role that traditional caste-based councils known as Khap Panchayats play in rural areas.

Honour murders are first contextualised in the study within the larger framework of patriarchal systems and deeply ingrained gender norms that characterise Indian culture. It also emphasises how political and law enforcement officials in the area have allowed honour killing offenders to operate with impunity, therefore highlighting the systemic character of the issue. The report also looks at community-based awareness programmes, grassroots activity, and legislative actions meant to stop honour murders and question Khap Panchayat power. It underlines the need of confronting underlying sociocultural beliefs and enabling underprivileged people—women in particular—to stand up for their rights and oppose repressive policies.

This study emphasises how urgently multidimensional approaches—including legislative changes, societal mobilisation, and educational programmes meant to question regressive norms and undermine caste-based oppressive systems—are needed to end honour murders in India. It urges coordinated measures to hold offenders and their supporters responsible and to promote gender equality and human dignity.

Keywords: Honour Killing, India, Khap Panchayats, Legal Reforms, Social Activism.

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INTRODUCTION

"This is completely against the law and must be eradicated with complete and utter zeal. As a matter of fact, honour killing is nothing but a cruel and despicable kind of murder. There is nothing honourable about honour killing or other forms of atrocities. In addition, those who are cruel and have a feudalistic mindset should be punished severely for committing such crimes that involve the personal life of the ordinary people. It is only by this method that we will be able to eradicate such barbaric behaviours and a feudal mindset. Furthermore, these activities constitute kangaroo courts, which are completely unlawful, and they take the law into their own hands.

The statement that was made by the Supreme Court was composed of Justices Markandey Katju and Gyan Sudha Mishra. This is the statement that was made. Kangaroo courts, which frequently serve as an official order or as a forum for encouraging honour murders and other crimes against boys and girls of the same or other castes and faiths who seek to be married or

have married, have been deemed completely unconstitutional by the Supreme Court of the United States. Kangaroo courts allow for the commission of these crimes against individuals who are seeking to marry or have already married. The word "kangaroo court" has been used to refer to courts that are not genuine courts that have been established in conformity with the law or that utilise processes that are illegal. This phrase has been used in the context of judicial proceedings.

It has also been determined that the khap panchayats, which are mostly found in the northwestern areas of India, fall within the category of kangaroo courts. The role that these panchayats played in the savage killings of young men and women who wanted to marry, whether they belonged to the same gotra (clan) or to other clans but lived in the same village or neighbouring villages, has been

so prevalent in the news that it has been in the news almost continuously these days.¹

The Khap panchayat is the traditional local judicial body that provides services in states that are located in the northwestern region. These states include Haryana, northern Rajasthan, the rural belt of Delhi, and western Uttar Pradesh. It is anticipated that these panchayats have been in existence since the fourteenth century. They are a component of the social structure that exists in rural areas and have their origins that extend back into the distant past when they were first established.

Any intrusion of unfavourable practices into a rural society generates an unfavourable atmosphere; on the basis of this notion, the creation of such traditional judicial institutions might be dreamt of. The four strong foundations of a rural society are unity, honour, community, and brotherhood among its members. Traditional panchayats are primarily concerned with matters that pose a danger to the tranquility of communities, disagreements around property and inheritance, and sexual and marital infractions.

At the traditional panchayat level, the sanctions that are handed out for infractions are considered to be outdated. These punishments may include small or substantial fines that are to be deposited in a common fund of the panchayat, ritual expiation, public humiliation (which may include blackening the victim's face, rubbing the victim's nose into the dust, shaving the victim's head, and dipping the victim's nose in human urine), compelling the victim to host a feast, subjecting the victim to a beating, compelling him or her to visit the elders in the village and give a public assurance that they will not make a mistake in the future, and so on.

Khap panchayats are a traditional, non-constitutional, and completely unlawful body that may be characterised as the union of numerous villages. They are prevalent in the rural areas of Haryana state and western Uttar Pradesh state. If we speak about khap panchayats, we are referring to a body that is not constitutional and is completely illegal. They primarily carry out three distinct sorts of tasks, namely legislative, executive, and adjudicative responsibilities. They are similar to "self-proclaimed courts" and are administered by the senior members of dominating caste groups. These societies are well-known for their "self-styled decision making" and are often referred to as social dictators.

In most cases, the Kop Panchayats are made up of influential members of society, the majority of whom belong to the ruling caste. The retired senior people who are regarded to be the upholders of village standards, caretakers of rural culture, and guardians of public morals are the individuals that make up the

members of these panchayats. These are components of a parallel system that is not democratic and does not have any consistency with the rules that are outlined in the Constitution from India. The bulk of them are found in states that are dominant, and they are only found in locations where Jat and Gurjar groups are larger than others.

OBJECTIVE OF THE STUDY

- To understand the role of Khap Panchayats.
- To suggest the initiatives to deal with problem of honour killing.

METHODOLOGY

Research is designed in conceptual and theoretical way to assess the legal framework for honour killing with the association of khap panchayat with the help of cases.

Theoretical framework:

The Political and Ethical Organisation of the Khap Panchayats They have a two-tier system, the first of which is the Khap Panchayat, which is comprised of certain villages, and the second of which is the Sarv-khap Panchayat, which is comprised of all of the Khap Panchayats that come within its adjudicative domain. The political structure of the Khap Panchayat is not particularly complicated. At the level of the villages, the Khap Panchayat is concerned with At the village level, the khap panchayat is the smaller body that is responsible for making judgements that are prompt, unilateral, and incontestable on a wide range of topics, including social infractions, marriage, offences, property rights, inheritance, and circumstances that threaten the tranquility of the village.

It is believed that the bulk of the persons who are a part of this group are elderly citizens who belong to certain dominant castes, notably those who are members of the Jat community. These individuals are considered to be the guardians of rural traditions and conventions, and they are also considered to be the most competent jurors. The members are not candidates who have been democratically elected and have some real eligibility, but they are members because of their political stature and the endowments they have received from society. It is possible to say that they exert their influence on the whole so-called traditional legal system.

Even for relatively minor transgressions, this panchayat mete out severe and humiliating penalties; the activities of the villagers that go against the cultural norms, customs, and traditions of the society are comparable to placing one's hands in honeycombs. The kids of these regions are compelled to mindlessly obey the laws that have been around for centuries, or else they may die at the hands of their own nurturers. This is a very tragic and unfortunate circumstance. Inter-caste marriages,

¹ BhupendraYadav, "KhapPanchayats: Stealing Freedom?", EPW, 26 December 2009 (pg-17)

intra-caste marriages, and even intra-village marriages (sometimes not only one village, which is called village exogamy but the several villages, which is also called territorial exogamy in technical terms) are all considered to be taboos in these territories. The abolition of these diktats.

Panchayats not only serve as adjudicative bodies, but they also assume the role of executive bodies when it comes to the enforcement of their diktats and directives. In order to achieve the objective of conducting an in-depth investigation into the subject of implementations, they select a few different members of the local community to participate in the investigation.

Panchayat of the Sarv-Khap, ²A sarv-khap panchayat is the collective body of numerous khap panchayats; when taken together, they constitute a structure that is similar to a provincial government. During the general sessions of this bigger body, any issues that pertain to two or more than two khaps, as well as any subject that has been appealed by a victim after a khap panchayat, are brought up for discussion.

However, during the mediaeval era, when all khap panchayats were subject to the sarv-khap's authority in a compulsory manner, the membership structure of this council is optional. This was not the case during that time period. Currently, the only khaps or castes who are obligated to abide by the judgements and resolutions that are approved by the sarv-khap panchayat are those that physically attend such sessions and express agreement with them.

Rather of having a hereditary pattern of choosing the head of the council to convene meetings or gatherings, the president of the council is elected by the members of different khaps at each meeting. This occurrence occurs due to the fact that the council does not have a hereditary pattern.

Its executive abilities are also constrained in the sense that they can only be employed with the permission of those khaps that have elected to implement its decisions inside their particular clan areas.³

The sarv-khap primarily serves as an adjudicative body during its informal sessions. The execution of the decisions is either left to the khaps that are affected or to a committee of powerful individuals that is created with the approval of the khaps to see to it that the judgements are implemented.⁴

In most cases, the sarv-khap conference is conducted once every five years; however, if the topic at hand is

of significant significance, it may be held earlier than that. It is necessary for five or six khaps to get together and settle on the location and date of the meeting in order to convene a sarv-khap meeting. Additionally, one of the khaps may act as the host for the meeting. After that, a working committee that is comprised of significant leaders from a number of khaps is established. This committee is responsible for sending invitations to the president and leaders of other khaps to participate in the conference, as well as for making appropriate arrangements for food and lodging, and for searching for additional facilities that are suitable for leaders and for holding meetings. Furthermore, a separate committee is constituted in order to define the agenda, as well as to take notes on the topics that will be discussed during the meeting and to vote on motions. This committee is also responsible for voting on motions.

In the year 1950, the council finally got together for the first time in a formal setting, after having been absent for more than a hundred years.

These Khap Panchayats have resolutions that are a little bit out of the ordinary. At first, the panchayats were operating with sound political beliefs, with the goal of building a value in the community and making a contribution to the nation via their efforts. We shall see that the decisions that were taken by the Sarv-Khap Panchayat pertaining to all khaps lying in its judicial domain throughout its new inception eras were mostly limited to social and political issues, and they were simple for the people in the region to accept. Some examples of these resolutions include the individuals will make donations to the national defence fund, support the government in the development of a local volunteer army, and urge farmers to plant greater food supplies as a means of retaliation for the aggressive actions that China has done.

In order to eliminate the discrepancies and impediments that are present between the different castes, the panchayat has to make every effort to achieve this goal. It is recommended that the panchayat make an effort to acquire cash in order to improve educational facilities and administration. Additionally, it would encourage the development of colleges specifically for female students. However, they had already made a contentious point by pushing against the promotion of co-education in educational institutions such as schools and colleges.

- It ought to be against the law to slaughter cows, and there ought to be an increase in the quantity of milk and ghee that is produced in rural regions.
- The people should be made aware of the history of sarv-khap and khaps so that they may become able to grasp the importance and relevance of this organisation in their lives and so that they may be inspired to

² M C Pradhan, "The Jats of Northern India", The Economic Weekly, 18 December 1965(pg-1857)

³ M C Pradhan, "The Jats of Northern India", The Economic Weekly, 18 December 1965(pg-1857)

⁴ M C Pradhan, "The Jats of Northern India", The Economic Weekly, 18 December 1965(pg-1859)

follow the decisions that it has made.

- The opening of colleges for the military.

The opinions of khaps, on the other hand, have remained exclusive with regard to the rituals and practices that are associated with weddings from the very beginning of their existence. They see the marriage of their daughters as a burden, and they make every effort to find a method to escape it in any manner possible. Additionally, they make every effort to spend as little money as possible.

All of the resolutions that had been developed by the working committee in order to present them before the general meeting of the Sarv-khap in the year 1950 focused their attention on the aforementioned elements in a way that was quite detailed. When it comes to offering hospitality to the parties that are being hosted by the grooms, people should not spend a considerable amount of money on their daughters' weddings. This is particularly true when it comes to the expense of the wedding reception. It is suggested that the display of decorations by the father of the groom during "the ceremony of welcome" that is held at the house of the bride be abolished. This is because it is considered to be an inappropriate practice.

It is recommended that a wedding party never have more than five persons join them at any given point of the day.

At the time of the bride's marriage, nobody from the bride's family should be invited by the bride's father, with the exception of the bride's maternal uncle, who is the mother's brother. This custom needs a substantial amount of money, which the bride's father is unable to pay.

The feast of mandha, which is the last feast before the departure of the celebration of marriage, should be brought to an end, since this is the recommendation that has been made. The customary habit of spending a big amount of money on the engagement ceremony ought to be abandoned, and the event itself needs to be conducted for only one rupee. The father of the groom should not give the bride more than three tolas of gold and fifty tolas of silver decorations. It is also not proper for the father of the bride to contribute more than one tola of gold and twenty-five tolas of silver decorations. Both of these suggestions are inappropriate.

The dowry should include no more than five items of apparel and five pieces of housewares. This figure should not exceed five.

Before being married, it is essential for both the man and the woman to know that they are entirely pleased with each other and their relationship. Once they are married, the husband should never, under any circumstances, desert his wife. The minimum age for a man to be eligible for marriage is 25 years old, while

the minimum age for a female is 16 years old. Marriages between minors should be forbidden. As a matter of recommendation, it is suggested that the custom of sending presents to the house of the daughter's husband on each and every holiday after the marriage be discontinued. Only five pieces of fabric and one set of wedding clothes should be delivered by the girl's father during the gauna ceremony, which is the occasion when the bride visits her husband's house for the second time after the marriage. Any and all further presents, whether monetary or in kind, should be discontinued. In addition, additional customs that are now prevalent in marriage ceremonies need to be eliminated. The money that is saved as a consequence of this should be directed to the education of both boys and girls, in addition to being used for religious purposes. In addition to that, beginning ten years from now, the khaps began to intervene in the controversies surrounding weddings that occurred inside families that were under their authority region. This circumstance has brought about a great deal of turmoil and has filled the atmosphere with a great deal of misery and despair due to its effects. There are various standards and restrictions that have been brought about by the khaps with regard to weddings and other issues.

Marriages between members of other castes are strictly prohibited, and it is strictly unlawful for anybody to marry someone who is not a member of their caste. In the context of a certain clan, it is strictly prohibited for a male member of that clan to enter into a marriage with a female member of the same clan. This kind of marriage is referred to as an intra clan marriage. • It is forbidden for a boy and a girl from the same village to be married under any circumstances, even if they are members of the same clan. The families that refuse to comply with the nonsensical diktats and savage rulings are subject to severe sanctions. The boy and girl may be expelled from the hamlet, and their families may be expelled from the caste category. There have been a number of recent instances in which it has been seen that in situations when marriage standards are violated, the panchayats even issue diktats to carry out cruel killings of young men and women who are getting married or who have married without informing the panchayat. As a result of the fact that the khaps are of the opinion that all males and females who belong to the same gotra are brothers and sisters, they are against the idea of marriages taking place between individuals who belong to the same gotra.

The issue that has to be answered is why people have faith in these panchayats. In order to give evidence in support of their assertions, persons who have a strong faith in such an organisation submit a wide variety of material. • Although the khaps make their decision in a single sitting, the legal courts allow the cases to go on for years prior to making their decision. As a result of the fact that everyone is identified, and the police cross-check everything to

ensure that they are not biased, there are several situations in which innocent people are harassed in the courtroom as well as by the police while they are in khaps. • The members of khaps are senior citizens who are not only considered to be knowledgeable. They are also considered to be the guardians of culture, which guarantees that no one will go against the decisions that they make. People have a great lot of confidence in these businesses because they have been there for a very long time and have been offering their services for a very long time. Killings committed in the name of honour In the context of our nation, the word "Honour Killings" is not very ancient; nonetheless, it has only been in use for the last ten years. An honour killing is the act of carrying out the murder of a member of a family or clan by one or more members of the family for the purpose of bringing a stain on the honour of the family or clan.⁵ The reasons for the murder might include things like: The refusal to take part in an arranged marriage, the commission of adultery, or the presence of a romantic connection with a person who is a member of a different caste are only some of the numerous things that fall under this category. There has been a constant increase in the number of crimes of this sort throughout the country, notably in the khap areas. In addition, offences of this kind are violations of Articles 14, 15, (1) and (3), 19, 21, and 39 (f). The following sections of the Indian Penal Code are included in this category: The topic of honour crimes is addressed by a variety of legislation, including 299-304, 307, 308, 120A and B, 107-116, 34, and 35. These acts offer rigorous measures for the punishments that fall under the category of honour crimes. Concerning Khap Panchayats, Women, and the Extermination of Respectable Individuals One must adhere to the traditional feudal, ancient conventions and standards in order to survive in a rural Haryanavi community. Additionally, one must be compatible with the philosophy of the khap panchayat, which is considered to be the caretakers of rural culture and the guardians of public morals during this time period. In the event that the topic of women is brought up, these male-dominated organisations in society do not provide any options for women to live their lives freely. They impose a variety of limitations on even their typical day-to-day activities, take their basic and human rights, and exploit them in accordance with archaic and absurd traditions in any way that they see fit. The problem of difficulties with the rights of women did not come up in the regions that were controlled by feudal khap-panchayats throughout the history of the region. In the context of the problem of control over women in khap-dominated regions, social scientists and scholars have made allegations based on the fact that the ratio of males to females is low (less than 800). Based on their assertions, this is one of the most important factors. Through this method, they want to save the females who are a part of their community and ensure that they do not leave the group by marrying a man from another community. If this does not occur, there is a

possibility that there will be a significant scarcity of brides (demographers refer to this condition as a "male marriage squeeze"), and there will be a situation in which the society for weddings will become chaotic. To put it another way, the girls in these communities do not have the right to pick their own lif A number of the panchayats have also imposed absurd restrictions concerning females, such as the prohibition against carrying mobile phones and the prohibition against wearing denim trousers. Their treatment of women is similar to that of a resource, and they do not include them in any significant aspects of society. The egos of the panchayat and their fear of losing females from their community (or clans) seem to be the root cause of honour murders in a number of different ways. It is possible to hear about examples of honour murders in any region of our nation; there is no region that is an exception. However, regions such as Haryana and western Uttar Pradesh have a significant number of documented occurrences. There have been cold-blooded murders committed against young couples on the basis of the authoritarian diktats of khap panchayats. This is due to the fact that these khaps regard weddings between people of different castes, within the same clan, and across villages to be against their culture. There is no significance to the khap in the fact that the parents of It is conceivable that the boy and the girl arranged the marriage, that the marriage has already resulted in the birth of a child, and that in the eyes of the law, they have not done any crime. All of these things are feasible. Several times, it has been observed that the khap panchayat organises a meeting of the elder people of the village and gives the autocratic diktats to do brutal murder of couples, banish their families from village territory, and make a provision of a fine of some phenomenal amount to impose on those people who would try to help them or even have a talk with them in the future. This occurs in cases of marriages that take place between people of different castes, within the same clan, and between villages.

In relation to KhapPanchayat and Political Matters Despite the fact that khap panchayats are a parallel dictatorial and undemocratic court system, the efforts to remove them have been unsuccessful on multiple occasions. Even the decisions that the Supreme Court of India made against these panchayats have failed to accomplish the purpose for which they were intended. Questions such as these are based on the facts that have been presented.

So why did these approaches not succeed? What is the reason why such irrational institutions cannot be prohibited? The answers to these concerns may be found within the intricate network of political activities that are prevalent in India. It is the Jats and the Gurjars that make up the majority and have a sizable population in the regions that are dominated by the Khap. It is possible that any action done against them may result in a greater political loss for a party that is now in office. If we speak in political jargon, we can say that they are a large vote bank. As a consequence of this, these unwholesome political

⁵ KavitaKachhwaha, "Khap Adjudication in India: Honouring the Culture with Crimes", IJCJS, Vol 6 Issue 1 & 2 January-June (pg-300)

activities are destroying the harmony and integrity of Indian society.

In order to give proof in support of our assertions, we may utilise the pledges made by a large number of political leaders to provide these khaps with fair certificates and to recognise them as an integral component of our society. This would allow us to present evidence that supports our arguments.

A comment in favour of khaps was recently made by Manohar Lal Khattar, the active Chief Minister of the state of Haryana. Khattar said, "They are like parents minding the children, and they take swift decisions on matters in which the courts are silent." Khap Panchayats are made up of knowledgeable people of the community, and they are responsible for making judgements that are rational. In addition, he said, "The presence of khap panchayats makes it easier for the courts to function within the majority of situations." Numerous lawsuits have been going on for a number of years, ranging from twenty to thirty years. When a dispute is resolved outside of the courtroom, it is preferable. One of the past Chief Ministers of Haryana, Bhupinder Singh Hooda, expressed his respect for these panchayats. He indicated that "Khap Panchayats are like NGOs as we have resident welfare associations...they are part of our culture." This was not an easy feat for him to do. • Arvind Kejriwal, the leader of the Aam Aadmi Party and the current Chief Minister of the National Capital Territory of Delhi, has also tackled the matter of banning khappanchayats. He said, "No, it is not a question of banning these." Kejriwal is now serving as the Chief Minister of Delhi.

There is no limit on the capacity of citizens to gather together in our country; nevertheless, if they make a decision that is illegal or unsuitable, they should be fined. Khap Panchayats are a kind of panchayat in which a group of people get together to discuss a variety of related topics.

A glimmer of positivity

Consideration of the problems that such panchayats face is a matter of grave importance at this very moment. Regardless of whether or not the nation in question has a federal legal system, is there any need for such panchayats to exist in the society? If this is the case, then the question that needs to be asked is whether or not society is ready to move away from this antiquated and antiquated judicial and executive structure that is completely anti-democratic. Are there any glimmer of light in the midst of this gloom?

Within the context of these uncertain circumstances, the efforts of a large number of individuals, activists, non-governmental organisations (NGOs), and other organisations are like rays of light. Their objective is to establish a society that is compassionate, peaceful, and equal, and in which harmful behaviours will not be permitted to exist.

A light of hope may also be found in the manner in which the women who were subjected to injustice took up arms in support of independence and liberty. Darshana of Jondhi shown a remarkable amount of tenacity in 2004, when she disobeyed the decision of the panchayat to have Ashish become her "brother." A newspaper interview was the medium via which she expressed her dissatisfaction, and she also contacted the All India Democratic Women's Association (AIDWA). Similar to what happened in 2009, Shilpa, the lady who was at the centre of the gotra storm in Dharana village in Jhajjar, went to the National Commission for Women (NCW) with a delegation of the Association of Indian Women's Associations (AIDWA) to lodge a complaint. In her request, she petitioned the National Council of Women to issue.⁶

It is possible that one of the most atrocious crimes that may be performed in the name of honour is to take the life of another person. However, this is not the only such act. There may be some parallels between the ingredients of the crime and the criteria for culpable murder as defined in the Indian Penal Code of 1860; nonetheless, the crime in issue includes a number of distinct qualities that make it even more terrible than culpable homicide. These features include the fact that the crime is more serious than culpable homicide. Because the victim of an honour killing is often a member of the accused person's own family or a member of the accused person's social circle, as opposed to a third party, the victim of an honour killing is not a third party.

The progression of mankind may be attributed to the process of time passing. It is quite obvious that the human species has carved out a special place for itself within the framework of space. In terms of the hierarchical structure, males have been able to maintain their position at the very top of the hierarchy. It is a direct consequence of this that the environment has developed in order to cater to the specific requirements of the people. One of the most essential functions of the human being is to seek pleasure. On the other hand, the concept of honour has been granted a high degree of value by human civilization ever since ancient times. This has been the case from the beginning of time. Because of this, people place a bigger value on their reputation than they do on their happiness, whether it was during the time of the Ramayana, when society was not yet ready to embrace Sita, or in the current day. This is true whether we are talking about the past or the present.

The concept of honour or fame, for which a person's life is not spared, is another source of contention in the structure of society. This is because it is a cause of conflict in the structuring of society. To begin, man is a social animal. This is the essential fact. His whole life is spent engaging in social interactions with other individuals and taking part in a wide range

⁶ BhupendraYadav, "KhapPanchayats: Stealing Freedom?", EPW, 26 December 2009 (pg-19)

of various social organisations that are structured in a certain manner during his entire existence. In many instances, the attacker is a brother or a father, whose traditional job was originally intended to be to shield the victim from any possible damage. This is a circumstance that occurs rather often. There is only one thing that motivates the individual who is responsible for these crimes, and that is an idealistic desire to restore honour to the lineage by removing the member of the family who has brought disgrace upon the clan, which is the individual who perpetrated these deeds.

When it comes to the sexual behaviours of a female family member, the core reason of this feeling shame is often the lack of control that male family members have over such actions. In each and every community throughout the whole globe, it has been determined to be a violation of human rights. Several allegations have been made in the media saying that a young couple was killed because they were getting married, that a young woman was killed because she was having a connection with a guy, or that a young boy and a young girl were brutally assaulted because they were found in a compromising situation. All of these allegations are based on the fact that the young couple was getting married.

In addition, there have been instances in which newly married couples from different castes have been executed as a form of retribution for failing to comply with the regulations governing caste endogamy. As an additional point of interest, there have been cases in which husbands have killed their wives on the grounds that they had committed sexual adultery. Not a single member of the general public, with the exception of non-governmental organisations (NGOs) working to promote gender equality and empower women, as well as the mainstream press, voiced opposition to these fatalities throughout the course of time. One of the things that these killings had in common was related to this particular characteristic.

The Karnal district court in Haryana handed down a death sentence to all five of the men who were convicted of murdering Manoj and Babi. This case has garnered a lot of attention due to the fact that it involves this particular crime. The historic incident that occurred when the court handed down a sentence of death to the persons responsible for an honour killing for the very first time was a monumental occasion. Additionally, the chairman of the khap panchayat who ordered the murders but was not participating in the assassinations was sentenced to life in prison, and the driver who participated in the abduction of the victims was sentenced to seven years in jail. Both of these sentences were handed out in the same court. Both of these penalties were handed down under the circumstances that were appropriate for them.

The case sparked a significant amount of debate, not just in the media but also among the general people as a whole. It is also probable that the fact that the case ended in a death sentence made it worthy of being emphasised in the media and creating major

conversation. This is something that is considered to be fairly plausible. Not only are some parts of Bihar responsible for the greatest prevalence of this ailment in India, but also the states of Punjab and Haryana, as well as the western portion of Uttar Pradesh, are accountable for it. The number of incidents that have taken place is unknown at this time. When someone is slain for the sake of honour, it is a violation of their right to live with dignity without consequence.

What Does the Term "Honour Killing" Mean and What Does It Mean? When it comes to honour murders, the use of religion as a justification is an acceptable practice in some circumstances. When a murder is committed with the goal of restoring the honour, respect, and purity of a family, or to restore the honour that has been tarnished or the reputation that is in doubt, this kind of murder is referred to as an honour killing. In light of this, killing might be considered a kind of cleansing action in the context of this specific situation. Through the use of the bloodshed of the immoral person, it cleanses the tribe that has been tainted with immorality. In an attempt to restore the chastity, it is likely that the norms of the society may require the offender to suffer the consequences of their actions.

When the murder is of a more heinous nature, the procedure of restoring the family's honour will be more comprehensive. Because of this, individuals are often put to death by being hanged, stabbed, or tortured. This is a common method of execution. There is a possibility that the use of violence will result in an increase in the purity that is to be supplied. It is common practice in many different cultures to use a variety of techniques, such as cutting, roasting, and strangling. In order to preserve one's own honour, these assassinations are the consequence of the notion that it is appropriate to murder someone whose acts cause shame to their family, clan, or tribe in order to protect one's own honour.⁷

In 2001, the NGO Human Rights Watch made the following statement: For a variety of reasons, including being the victim of sexual assault, refusing to join into an arranged marriage, or seeking a divorce from a spouse who is aggressive or (supposedly) unfaithful, a woman may be subjected to physical or sexual abuse at the hands of members of her own family. This may happen for a number of different reasons. The idea that a woman's acts cause shame to her family is sufficient to justify an attempt on her life. This is the only thing that is required.

According to Amnesty International, the following information is true: When a male relative murders a woman for the sake of honour, it is a crime that is collectively planned, sociologically expected, and socially sanctioned by the family and community that is involved. This is all because of the fact that the

⁷ Shobharam Sharma, "Honour Killing in India: Need for Deterrent Action", LawZ Media (2011)

family and community are engaged. It also argues that the honour system is harsh and that women are not given the choice to defend themselves inside the system. This is in addition to the fact that it asserts that the honour system is cruel. When it comes to eliminating the stain on the family's reputation, their relatives have no other alternative that is culturally respectable other than to attack them personally. This is the only option available to them.⁸

Despite the fact that women continue to make up the majority of victims of these types of crimes, the concept that honour killing is a kind of crime done against women does not actually reflect or suggest that males are not prone to committing such sorts of homicides. When it comes to protecting the limits of sexual activity, ladies are often the most crucial role actors to take on. In addition to this, it is possible that they are aware of agreements to murder, even their own children, in order to carry out crimes of honour. In light of the fact that the murders that are carried out, as well as the manner in which they are carried out or carried out, are devoid of any honour, the usage of the term "honour killing" in this context is a contradictory choice.

Khap Panchayats serve a variety of purposes. The term "khap" was discovered for the very first time in the Jodhpur census report that was compiled between the years 1890 and 1891. This report was based on religion and caste. On the other hand, there is not a great lot of information that can be trusted upon about khaps. A area that is exclusive to a clan is referred to as a khatrap in the Saka language. It is thought by experts that the term khap is derived from the word khatrap, which is used in the Saka language. The word "khap" is used to refer to a political unit that is considered to be equivalent to a collection of 84 villages.⁹

They are engaged in the delivery of numerous mandates or fatwas, which pose a substantial danger to the basic freedoms of people. Khap panchayats, which are prominent in a number of regions of India, have been brought to criticism owing to the fact that they are involved in this delivery. As a result of this, it is essential to do research on its function in relation to this particular facet. The Supreme Court of India has made a number of strong statements on the rising threat that is posed by khap panchayats. These statements have been made in a variety of different ways. There appear to be a great number of incidents that have been expressly documented that illustrate the degree of effortful control that is exerted via the mandates of the khap panchayat. These incidents

appear to be taking place under the cover of traditions, heritage, and social norms that are in direct opposition to the concepts of life and liberty.

In a society that is democratic, the duty of the court is of the highest significance. On the other hand, in addition to the official courts in India, there are a large number of communal courts that are authorised by the local people themselves to rule on a range of matters that are pertinent to their group. These courts are referred to as "communal courts." Within the framework of the judicial system, these community judges do not possess the legal capacity to create the laws, and their rulings do not have any constitutional basis. This is owing to the fact that it is considered that their activities are not transparent, and the majority of the time, they are in direct contradiction to the standards that are outlined in the constitution.

These are institutions that have proclaimed themselves to be extra-constitutional and have the authority to employ all of the powers that the legal system has in order to issue directives that are usually seen as being in violation of basic rights. These institutions have established themselves as extra-constitutional. Caste panchayats are another example of a system that is not democratic and may be seen in existence anywhere. These panchayats have developed feelings among themselves as guardians of reputation, and they believe that it is their duty to punish those who break the rules and traditions of the society to which they belong.¹⁰

Khap panchayats are now presented with a number of serious challenges, one of the most critical of which is the selection of a life partner. If an individual makes a decision that is in direct contrast to the norms of the social system, the khaps will constrain that choice within bounds in order to ensure that it does not undermine the social system. When it comes to the khaps, the wedding is the only mechanism that guarantees holiness in lineage, group, and religious doctrine. Any individual who wants to breach the criterion is considered to be bringing shame and dishonour to the group.

The younger generation, which is affected by western culture, seeks to infringe upon the cultural norms and practices of the community, and Khap followers think that they have the obligation to maintain these cultural norms and practices since they are the leaders of the communities. In most households, the older members of the family are the ones who make the ultimate decision on the wedding, and the societal norms and customs also provide their support to the wedding arrangement. On the other hand, there is a school of thought that contends that modern people are not willing to stick to conventional customs that limit their ability to appreciate and make use of the constitutional rights that are provided to them. They claim that it is

⁸ Azad Kumar, Honour Killings; Global Perspective 11 (Saad Publications, Delhi, 2014).

⁹ Khap panchayats the role & history of complex social institution in Haryana & western UP <https://theprint.in/india/khap-panchayats-the-role-history-of-complex-social-institution-in-haryana-western-up/613988/> accessed on 14 Oct 2021

¹⁰ Shakti Vahini v. Union of India and others (2018) 3 SCC (Cri) Para 7.

necessary for the formation of an ethical code within the community, while those who subscribe to the ideals of khap assert that it is vital.

Over the course of the recent past, there have been a number of occasions in which the Khap Panchayats have been exposed to severe criticism for the notorious diktats that they have issued. An example of this would be a khap panchayat in Rohtak that ordered a married couple to live together as siblings due to the fact that they were from the same gotra.¹¹ Another example of this is a khap panchayat in UP that was given the authority to prohibit males from wearing shorts and to prohibit girls from wearing jeans.¹² The aforementioned cases illustrate the extent of brutality that khap panchayats in the community are capable of doing under the pretence of preserving the traditions and customs of the society.

While Vinay Dahiya, who was 23 years old at the time, was in the process of inflicting pain on his wife, a group of perhaps half a dozen guys opened fire on him. It is essential to take into consideration the fact that the pair had previously submitted a petition to the Punjab and Haryana High Court in order to get protection from the girl's family, who reportedly intended to murder them at the time of their marriage. As a result of this, the court did not grant the couple's request for an appeal and instead ordered them to seek protection from the Sonipat Police.

At the time, there was discontentment within the family because the girl's family felt that her marriage to Vinay, who was a member of the same gotra, had given them a terrible name in the community. This belief led to the girl's marriage to Vinay. Those who advocate for khap believe that it is necessary to safeguard cultural traditions in order to preserve or carry on the social fabric. They have presented this as the key argument that they have. They do not retain their steadfastness or apply logic or common sense to the information that supports this erroneous assumption because norms, beliefs, and cultures are not susceptible to being convinced by altering circumstances or eliminated. This is because they are not sensitive to being eliminated; they are not susceptible to being removed.

When it comes to matters concerning one's personal life and hobbies, it is essential for a community to reach a particular level of integration in order for it to progress. Assassinations that are carried out in the name of honour seem to be the outcome of narcissism within the panchayat as well as their fear of losing female members of society in a number of different ways. Each and every region of our nation is

vulnerable to the occurrence of honour crimes; there is no location that is immune to this phenomena. Nevertheless, some regions, such as Haryana and western Uttar Pradesh, have a disproportionately high number of incidents.

There have been instances of young couples being killed on purpose as a direct consequence of the directives issued by authoritarian khap panchayats. This is because these khaps view marriages between members of various castes, within the same clan, and within the same hamlet to be in conflict with their principles. This is the reason why this is the case. It is immaterial to these khaps that the families of the boy and girl organised the wedding, that a kid has already been born as a result of the marital connection, and that they have not participated in any behaviours that are deemed to be unlawful in the legal sense. All of these facts are important to the situation.

It has been observed that the khap panchayat holds a meeting of the village elders and issues authoritarian decrees to carry out the heinous act of killing married people, to expel their family members from the village region, and to ultimately determine a requirement of some tremendous value to be enforced on those who would offer to assist them or even have a conversation with them in the long run. These decrees are intended to carry out the heinous act of killing married people. Specifically in regard to Khap Panchayats and Politics Even though there is a parallel court system that is both dictatorial and undemocratic, attempts to remove khap panchayats have often been unsuccessful. This is despite the fact that there is a parallel judicial system. Even decisions handed down by the Supreme Court that are aimed at panchayats of this kind are rendered ineffective. The accumulation of all of these information raises problems such as: What were the reasons for the failure of these efforts? The question is, why is it that institutions that are so nonsensical just cannot be deemed illegal? There are answers to these issues that are hidden behind the complex pattern of political traditions that are widespread in India. These answers are hidden behind the convoluted labyrinth. It is the Jats and Gurjars that make up the majority of the population in the regions that are ruled by the Khap, and they have a significant number of people. They are a powerful political force, and any action done against them has the potential to result in a worse electoral defeat for the party that is now in power. This is because any action taken against them might compromise their political influence. Peace and dignity in Indian society are being undermined as a direct consequence of these toxic political methods, which are further contributing to the problem. There are a lot of politicians who have supplied these khaps with legitimate credentials and who consider them to be a vital component of our society. In order to offer support for these facts, we may resort to the commitments that have been made by these politicians.

¹¹ Khap panchayat forces Haryana couple to live as siblings <https://www.indiatoday.in/india/north/story/khap-panchayat-haryana-couple-live-as-siblings-inter-caste-marriage-153197-2013-02-04> accessed on 17 Oct 2021

¹² After banning jeans for girls, Khap panchayat in Uttar Pradesh bars boys from wearing shorts <https://www.deccanherald.com/national/after-banning-jeans-for-girls-khap-panchayat-in-uttar-pradesh-bars-boys-from-wearing-shorts-909604.html> accessed on 17 Oct 2021

Manohar Lal Khattar, who is now acting as the Chief Minister of Haryana, issued a pro-khaphs proclamation. This proclamation was made public. The following was his thesis: They behave in a way that is analogous to that of parents who watch over their children, and they use their authority to make decisions in a timely manner about matters that the courts do not address. Khap Panchayats are comprised of competent members of the community, and it is their responsibility to make decisions that are based on sensible considerations.¹³

Bhupinder Singh Hooda, who had previously held the position of Chief Minister of Haryana, expressed his admiration and respect for these panchayats. As was already stated: in the same manner that we have resident welfare groups, Khap Panchayats are considered to be one of the similar types of organisations as non-governmental organisations (NGOs).¹⁴

In light of this, what would happen to the state that has the biggest number of incidents of honour killings that have been documented, and whose officials are openly supporting the institutions that are responsible for honour killings?

The Judicial System's Patterns and Trends Despite the fact that it is a key component of the democratic system, it is difficult to grasp the importance of the judiciary in the process of establishing a free democracy. This is because the judiciary is incorporated into the democratic system. The primary responsibility of the court is not confined to the administration of justice; in addition to this, the court also serves as an interpreter and safeguards the rights of persons. In the case that it is determined that a piece of legislation is in violation of the constitution, the judicial branch has the authority to conduct judicial review and has the option of either accepting or rejecting the law. It is not feasible to safeguard or enhance the personal freedoms of persons if there is not a dynamic legal procedure already in place. The legal system is of the highest significance since it is responsible for protecting and expanding the democratic and basic rights of citizens.

In addition to this, it has a significant degree of responsibility for ensuring that the legal requirements are satisfied and taking measures to protect the basic rights of persons. Furthermore, the effectiveness with which the other organs of the state carry out their duties is directly proportional to the degree to which

the judicial proceedings are carried out within the appropriate manner. The establishment of a precedent that helps to the resolution of a wide range of circumstances is accomplished by the court via the issuance of judgements that are often regarded as being revolutionary.

It is not only that the judicial procedure that evolved as a result of such rulings strengthens the legal system that was already in existence, but it also opens up avenues that were previously inaccessible for the protection of people's rights. The court system is able to effectively protect basic human rights as a result of this, which is a consequence. The number of incidents of crimes done in the name of honour has been progressively growing across a number of locations in India as of late. This trend has been ongoing for quite some time. A significant number of abuses of human rights are taking place throughout the nation as a direct result of the broad adoption of this pattern. Not only have the courts shown that they are capable of preventing this horrible conduct, but they have also been successful in sending a clear signal to the government, asking them to adopt preventative measures. This is a significant accomplishment.

There has been a significant amount of activity on the part of the Supreme Court in the protection of personal rights and the taking of required actions against a range of social ills that are common in the society. Honour killing is one of these societal ills, and it is one of the areas in which the Supreme Court has played a considerable role. Not only has it played a part in deterring the acts, but it has also played a role in giving the police with explicit orders to take action. via a series of landmark decisions, the Supreme Court of India has constantly played a vital part in removing the veil that has been put on honour murders. This has been accomplished via a number of different cases.

*Lata vs. State of Uttar Pradesh*¹⁵ was the case in which the Supreme Court of India granted a writ petition to a woman in line with article 32. This writ petition provided the lady the right to marry any person of her choice and on her own free will. Under the circumstances of this specific case, the court stated that:

The caste system is a curse on the nation, and the sooner it is destroyed, the better. In fact, it is dividing the nation at a time when we need to be united in order to face the challenges that are in front of the nation as a whole. Therefore, inter-caste marriages are in fact in the national interest because they will result in the destruction of the caste system.

We are of the opinion that such acts of violence, threats, or harassment are completely illegal, and those who commit them should be severely

¹³ Haryana CM Khattar defends khap panchayats, calls its decisions "sensible"
<https://www.news18.com/news/politics/haryana-cm-khattar-defends-khap-panchayats-calls-its-decisions-sensible-729954.html> accessed on October 19, 2021

¹⁴ Hooda defends khap panchayats, says they do not order honour killings
<https://www.indiatoday.in/india/north/story/khap-panchayats-dont-order-honour-killings-bhupinder-singh-hooda-213314-2013-10-05> accessed on 19 October 2021

¹⁵ Lata vs State of UP AIR 2006 SC 2522

punished. This is a free and democratic country, and once a person reaches the age of majority, they are free to marry whoever they choose. However, there are disturbing reports coming from various regions of the country that young men and women who are engaged in inter-caste marriage are being threatened with violence or are actually subjected to violence.

However, they are not permitted to threaten, commit, or instigate acts of violence against the person who is going through such a marriage. Furthermore, they are not permitted to harass the person who is going through such a marriage. If the parents of the boy or girl that is going through such a marriage do not approve of such an inter-caste or inter-religious marriage, the most that they can do is cut off social relations with their son or daughter.

Therefore, we direct that the administration and police authorities across the country will take measures to ensure that if any boy or girl who is a major enters into an inter-caste or inter-religious marriage with a woman or man who is also a major, the couple is not subjected to any form of harassment or acts of violence, and that anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation is held accountable by the police by initiating criminal proceedings against such individuals, and that further severe action is taken against such individuals in accordance with the existing legal provisions.

"There is nothing respectable about such executions, and in reality, they are nothing but savage and despicable acts of murder performed by persons who are ruthless and have a feudal mindset and who deserve terrible punishment. The author believes that using this method is the only way that we will be able to put a stop to such cruel deeds.

The case of Manoj and Babli was, once again, a crucial ruling that marked a critical milestone in the progress of the case. The wickedness of the girl's family reached new heights when they killed the two young lovers who were in love with one other. As a result of the Honourable Court's decision to sentence the five defendants in this case to death for the murder of the couple, the circumstances significantly changed. Additionally, the court said that this was not only a case of killing two innocent children, but rather a horrible crime against humanity, referring to it as the rarest of the rare in nature.¹⁶ A further observation was made by the court.

During the course of his decision, the judge made the following observations:

This court has had restless nights and tried to put itself in the shoes of the offenders and thought about what would have driven them to take such a move. In addition to the fact that the khap panchayats have functioned in a manner that is contrary to the constitution, mocked it, and have become a law unto

themselves, this court has also considered the fact that the constitution has been the source of the khap panchayats' actions.

While dealing with a matter in which girls' parents file a complaint against the boy in the event that they run away, the Punjab and Haryana High Court laid down the guidelines in the case of *Pradeep v. State of Haryana*. The court was dealing with and flooded with the number of cases of runaway couples, so it issued directions regarding the same. The statutes that pertain to the situations in which the girl's family has filed complaints against the boy and even against his family were established by the High Court in this particular instance.

In this particular instance, the court issued a directive to the authorities, stating that in the event that the girl's family gets any complaint about kidnapping and abduction against the boy, then the boy will not be detained immediately until the police obtain any statement from the girl. Additionally, if the girl is a major, she should not be given over to her family against her will, and the same should be true for the boy. There should be no use of unlawful force against either of them. When it comes to the fugitive pair, the court additionally ordered that the police must take steps to safeguard them in the event that they get any kind of threat that puts their life and freedom in jeopardy.¹⁷

According to the decision made in the case of *Arumugam Servai v. State of Tennessee*, honour killing is a violation of both the constitutional protections afforded to individuals and the civil rights that they are entitled to. A couple has a statutory right to marry if they are of the age of majority, according to the interpretation of the legislation that was handed down by the Supreme Court. The practice of khap panchayats taking the law into their own hands and indulging in criminal acts that :

Detailed Instructions for the Shakti Vahini Investigation During the course of its historic ruling in the matter of *Shakti Vahini v. Union of India and others* [15],¹⁸ the Supreme Court of India came to the conclusion that: When it comes to getting married, two people who are eager to do so do not need the consent of their families and elders. As an additional point of interest, it is against the law for the Khap panchayat or any other body to attempt to squelch their wishes to wed one another. The court has made the following observations: Class honour, howsoever perceived cannot smother the choice of an individual which he or she is entitled to enjoy under our compassionate constitution. Referring to the 242nd report of the Law Commission, the SC highlighted the devastating impact is not the only type of crime ordered by Khap panchayat. It is a part of honour-based crimes. Any type of honour-based

¹⁶ Lata vs State of UP AIR 2006 SC 2522

¹⁷ *Pardeep vs. State of Haryana* 2008 (3) RCR Criminal 376.

¹⁸ The Pre And Post Scenario Of Honor Killing After Manoj-Babli Case <https://www.intolegalworld.com/article?title=the-pre-and-post-scenario-of-honor-killing-after-manoj-babli-case>

crime which is meant to suppress an individual's choice to love marriage is illegal" Implementing Preventative Measures

An order has been sent to the administration of the state, requesting that they determine the regions in which there have been incidents of Khap panchayat assembly or assassinations during the course of the last five years.

When it comes to the likelihood of weddings between people of different castes or religions taking place in the area, it is expected that the Special Police Officers in some districts would be more attentive.

If a police officer becomes aware of a Khap panchayat meeting that is taking place in the area, he is expected to alert both his senior officer and the DSP. This is because the DSP is responsible for overseeing the police department.

Home department and state government alike. are given the directive to work together in order to educate and enlighten the different entities that are responsible for law enforcement. The inclusion of all vested interests in this method is a need that must be met. The establishment of institutional processes is something that need to be done in order to guarantee that all parties are able to collaborate.

The DSP has the ability to refer to the DM or SDM in order to seek a direction in accordance with Sections 144 and 151 of the Criminal Procedure Code if he has grounds to think that the meeting cannot be avoided or that the spouses would be harmed. If the DSP has interacted with representatives of the Khap, then this is the situation that has arisen.

Corrective Measures to Take

It will be regarded an act of willful carelessness or misconduct on the part of the police or district authorities if they do not comply with the directions that have been specified above. As a consequence of this, the departmental action has to be started and completed within a period of six months. Authority of the state government! to accommodate couples who are impacted by this problem by providing them with "safe residences." The submission of a First Information Report (FIR) is required in the case that the Khap panchayat decides to rule against a couple, regardless of the prophylactic steps that have been taken.

When it comes to cases involving attacks done against spouses and crimes committed in the name of honour, it is imperative that trials be completed as swiftly as possible. Within a period of six months, each and every one of these problems must be resolved, and this directive is also applicable to cases that are still in progress. It is essential to build dedicated cells and

helplines that are accessible at all times of the day and night.¹⁹

CONCLUSION

It is time to end these common misbehaviours. Time demands that the violent and aggressive Khap custom be outlawed and the people be educated about their rights since slavery for Khap in the name of honour and heritage is nothing more than a violation of a person's basic human rights. Article 21 of the Constitution guarantees life and liberty; Article 14 of the Constitution guarantees equality; and so on. Honour murders are against these basic rights.

These days, the government has to pass legislation on such an urgent issue as Khap and the criminal justice system has to outlaw these demeaning activities. Signatory to the ICCPR, the Universal Declaration of Human Rights, and other treaties, India is responsible for establishing a mechanism to deal with this problem. Strict legal measures by themselves, nevertheless, will not be enough.

This problem originates from a centuries-old civilization with an authoritarian and aristocratic system that has unlimited power over its customs and culture. To prevent such illegal actions, individuals must not only change their thinking now but also abandon antiquated and outmoded habits. Khap leadership might consist of illiterate elder Khap community members who lack flexibility in their approach.

They may be made to work in compliance with the law by instruction and improvement of their knowledge of current and past laws. Involvement of women should be promoted at the national level, and before the Khap Panchayat makes its ultimate judgement, everyone should have a fair hearing. This might be very helpful in bringing about social changes in rural regions.

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¹⁹ Arumugam Servai v. State of T.N (2011) AIR SCW 2863.(2018) 3 SCC (Cri) : (2018) 7 SCC 192.

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