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India: Prosecute Rampant 'Honor' Killings

(New York) - The Indian government should urgently investigate and prosecute those responsible for the recent spurt in reported "honor" killings, Human Rights Watch said today. The government should also strengthen laws that protect against kinship, religion-based, and caste-based violence, and take appropriate action against local leaders who endorse or tolerate such crimes, Human Rights Watch said.

Murders to protect family or community "honor" have increased in recent months, in the northern states of Haryana, Punjab, and Uttar Pradesh, where unofficial village councils, called *khap panchayats*, issue edicts condemning couples for marrying outside their caste or religion and condemn marriages within a kinship group (*gotra*), considered incestuous even though there is no biological connection. To enforce these decrees and break up such relationships, family members have threatened couples, filed false cases of abduction, and killed spouses to protect the family's "honor." Some local politicians and officials have been sympathetic to the councils' edicts, implicitly supporting the violence.

"Officials who fail to condemn village council edicts that end in murder are effectively endorsing murder," said Meenakshi Ganguly, South Asia director for Human Rights Watch. "Politicians and police need to send these councils a strong message to stop issuing edicts on marriages."

There are no official figures on "honor" killings because they often go unreported or are passed off as suicide or natural deaths by the family members involved. However, a recent independent study found that at least 900 such murders occur every year in Haryana, Punjab, and Uttar Pradesh states alone. There are no estimates of other injuries, unlawful confinement, or forced marriages suffered by women and girls, or by couples, in the name of "honor."

Many affected couples elope, fearing reprisals from family members or the community. The wife's relatives frequently then file abduction complaints, leading the police to arrest the husband, even if the woman denies being abducted. The woman is then forced to rejoin her family, where she may be confined, abused, and sometimes killed. In other cases, couples have been invited back home for rapprochement or tracked down, and then killed.

More vigilant media have recently been reporting such cases, sometimes resulting in

even more extreme responses by community leaders, Human Rights Watch said.

On June 21, 2010, in Haryana, after the bodies of a young couple whose relationship had been condemned for violating kinship rules were found hanging from a tree, six family members were arrested for murder.

Later in June, another couple and the bride's sister were found murdered in Delhi. The two women had both married outside their caste. Three men, cousins of the women, were arrested for the killing.

In Uttar Pradesh on July 6, village leaders ordered upper caste villagers to abduct all young women belonging to families of Dalits (so-called "untouchables") unless an upper caste Brahmin woman, who had eloped with her Dalit boyfriend, returned home.

Police routinely fail to investigate apparent "honor" killings. In July 2009, Monika Dagar, 21, secretly married Gaurav Saini, 24, who belonged to a lower caste and would thus be unacceptable to her family and community. A week later, Dagar's relatives arrived at the place the couple was living, accompanied by the police, who arrested Saini on kidnapping charges, despite Dagar's protests.

He was eventually released but was unable to trace his wife despite repeated appeals for police assistance. In October, Saini was informed that his wife had died of pneumonia; the circumstances were such that Saini believes that she was murdered by her family. The police did not investigate the cause of her death, and Saini has brought a case against them.

"The authorities in these cases give little or no regard to the wishes and concerns of the women at risk," Ganguly said. "So the women seldom are able to pursue complaints or seek protection from those actually threatening their life and security."

In April, 4,000 *khap panchayat* members from Haryana, Uttar Pradesh, Rajasthan, and Delhi gathered in support of five family members who were convicted in connection with the May 2007 murder of Manoj and Babli, married members of the same *gotra* who had been condemned by a local council in Haryana. A *khap panchayat* leader was sentenced to life in prison for instigating the killings.

Since the convictions, *khap panchayats* have demanded amendments to the Hindu marriage laws to include a prohibition on marriages among the same *gotra*. Some politicians have supported the glorification of the murders as having "honored traditional values."

The Supreme Court has taken note of the recent spate of "honor" killings and has sought a response from the central government and concerned state governments on steps taken to prevent such incidents.

The Indian government has proposed amendments to the Indian Penal Code to ensure that individuals issuing diktats against couples can be charged with murder. The government proposals also include revoking the 30-day notice period presently required under the Special Marriage Act for inter-community marriages, because that time is misused by families to track down and kill or forcibly separate couples. However, these changes to the law are facing some resistance from political groups citing traditional and customary rights.

"The Indian government should press ahead to strengthen its laws and make community leaders liable for punishment if their edicts incite so-called honor killings," Ganguly said. "Murder is murder, and customary sentiment should not prevail over basic rights and the laws of the land."

Legislative changes are only a part of the solution, Human Rights Watch said. The Indian government should ensure that its police officials impartially investigate "honor" killings

without bowing to political or other pressure from powerful local leaders. In 2009, a Human Rights Watch [report](#) on police reform found that police were often not able to function free from improper political interference. Human Rights Watch also expressed concern that traditional biases have often interfered with the ability of police to enforce laws objectively.

The Indian government should, through public campaigns and the media, promote the right of individuals of legally marriageable age to marry persons of their choice, without having to fear violence or other abuse, Human Rights Watch said. The government should instruct police to protect those in consensual relationships who fear family or community reprisals.

"Police should be held accountable when they turn a blind eye and fail to investigate alleged 'honor' crimes," Ganguly said. "The unholy nexus between caste, politics, and impunity should be broken."

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