

The background of the cover is a blurred photograph. On the left, a hand in a white sleeve holds a black handgun, pointing it downwards. On the right, a person is lying face down on the ground, their body out of focus. The overall color palette is dark with red and orange tones.

THE CRIME OF HONOUR KILLING

*A Critical Analysis of
The Law in India*

Dr. Sulakshana Banerjee Mukherjee



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SULTAN CHAND & SONS

THE CRIME OF HONOUR KILLING
*A Critical Analysis of
The Law in India*

This book is dedicated to

My lovely parents

my Baba,

Late Kanchan Kumar Banerjee

and my Maa,

Mrs. Prativa Banerjee

*Without their blessings and love it would not
have been possible for me to implement my
thoughts into reality.*

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The Law in India*

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Prof. (Dr.) S. Shanthakumar
Director



Gujarat National Law University
Gandhinagar

Gandhinagar, Wednesday,
26 July 2023 Dir/GB/231/2023

FOREWORD

“The Crime of Honour Killing-A Critical Analysis of the Law in India”

It is with great pleasure and a sense of pride that I present the foreword for Dr. Sulakshana Banerjee Mukherjee’s book titled “The Crime of Honour Killing-A Critical Analysis of the Law in India.” As the mentor and guide to Dr. Mukherjee during the PhD journey, I have witnessed her dedication, passion, and unwavering commitment to the pursuit of knowledge.

The issue of honour killing has plagued societies across the globe for far too long, and India is no exception. In this scholarly work, Dr. Mukherjee delves deep into the complexities surrounding this abhorrent, crime, providing a comprehensive and critical analysis of the existing legal framework in India. Through her meticulous research and thoughtful insights, she sheds light on the root causes, societal norms, and gender dynamics that perpetuate this menace.

As I read the essence of the book, I am struck by the urgency of addressing this social evil. Dr. Sulakshana Banerjee Mukherjee’s research offers a clarion call to lawmakers, academicians, activists, and society at large to come together and take decisive action against collective efforts to challenge regressive beliefs and dismantle systems of oppression.

I have no doubt that this book will serve as a significant contribution to the academic discourse on gender issues and legal reforms. It is my fervent hope that her insights and recommendations will resonate with policymakers and advocates, igniting a call for action to eradicate this deeply rooted societal malady.

I extend my heartfelt congratulations to Dr. Sulakshana Banerjee Mukherjee for converting her Ph.D thesis into this impactful book. Her dedication to researching and presenting this critical issue is commendable, and I am confident that her work will inspire further scholarly inquiry and foster positive change.

I sincerely recommend “The Crime of Honour Killing – A Critical Analysis of the Law in India” to all those seeking a deeper understanding of this pressing societal issue and a commitment to building a more just and equitable world.

With Warm Regards

S. Shanthakumar

Preface

This Book is created to create consciousness and to make people realize that there is no “Honour” in killing a life, rather it is a great “Dishonour” to be a part of such heinous crime in the name of caste and religion. The issue of ‘honour killings’ is coming to the forefront as lots of cases are getting reported diurnally. The shocking part is, the family members of the victims are reluctant to visit the court and take no interest in punishing the offenders. Moreover, after killing their own biological daughter or son-in law the entire clan feels gratified and relaxed.

The high number of honour killings in India are not only a replication of the prevailing unembellished religious and caste-based disunions in Indian society but also an indicator of deep-rooted patriarchal edifices which continue to control women’s autonomy and decision-making. Ultimately, all honour killings impose a hierarchy of status and are often used to signal caste supremacy to other communities. Passing a law that criminalizes mental and physical harassment, criminal intimidation, and other forms of violence that often precede an honour killing would acknowledge the particular motive behind the public violence against those whose marriages and romantic lives are deemed socially unacceptable. New legislation would also aid data collection, promote greater police accountability, provide protection to couples in danger, and pressure authorities to act quickly and decisively.

This Book will be useful for both the Law and Humanities students. Also, for students interested in curbing social tribulations. The Book is written in a very simple and lucid language for a clear and better understanding.

Dr. Sulakshana Banerjee Mukherjee

Acknowledgement

I am thankful to God who looks after me, my parents, my friends, my students and my well-wishers for their constant support and love. I am really grateful to my husband Mr. Ananda Mukherjee for his relentless support and kind assistance.

I would like to express my special appreciation and thanks to my honourable and esteemed Supervisor, (Prof). Dr. Sanjeevi Shantha Kumar Sir, Director and Vice Chancellor Gujarat National Law University for being so kind, generous and supportive advisor all through my book writing. His priceless and inspiring teachings will be etched in my mind forever. His innovative ideas, consistent encouragement and his continuous enthusiasm for research motivated and inspired me a lot to complete this book. The work would not have reached its presents shape without his active involvement, encouraging creativity, imagination and constant motivation. Words won't be adequate to articulate my indebtedness to him and this work is just a short treatise of his immense knowledge of the subject.

Heartiest thanks to Soham Mukherjee, Aditi & Ritam Banerjee the source of my immense joy and creativity.

Thanks to Sultan Chand & Sons Publishers, New Delhi for making my dream real.

Last but not the least, I also want to thank every single person whoever says, "You have to read this book!"

Dr. Sulakshana Banerjee Mukherjee

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Abbreviations

A.P.	: Andhra Pradesh	DPSP	: Directive Principles of State Policy
AALI	: Association for Advocate and Legal Initiative	e.g.	: Example
ACPO	: Association of Chief Police Officers	ECHR	: European Convention on Human Rights
AIPWA	: All India Progressive Women's Association	Ed.	: Editor
AIR	: All India Reporter	etc.	: <i>Et cetera</i>
All.	: Allahabad	FASA	: Feminist Association for Social Action For Women
Art.	: Article	FGM	: Female Genital Mutilation
BC	: Before Christ	Gaz.	: Gazette
Bom.	: Bombay	GBV	: Gender Based Violence
CEADAW	: Convention on The Elimination on all Forms Discrimination against Women	GC	: Geneva Convention
CEHAT	: Centre for Enquiry into Health and allied themes	H.C.	: High Court
Cl.	: Clause	Har.	: Haryana
Cr. PC	: Criminal Procedure Code	HRC	: The Human Right Committee
CRC	: The Convention on the Rights of the Child	HRC	: The Hunan Rights Commission
CSW	: The Committee on the Status of Women in India	i.e.	: <i>id est.</i> (that is)
CSWB	: The Central Social Welfare Board	Ibid	: Ibi dem (in the same place)
		ICC	: International Criminal Court
		ICCPR	: International Covenant on Civil and Political Rights

ICESCR	: International Covenant on Economic, Social and Cultural Rights	SCC	: Supreme Court Cases
ICJ	: International Court of Justice	SCJ	: Supreme Court Journal
<i>Id</i>	: Idem (something that has been mentioned previously)	SCR	: Supreme Court Report
IDWA	: Indian Democratic Women's Association	SIT	: Special Investigation Team
IHL	: International Humanitarian law	SMM	: Special Metropolitan Magistrates
ILO	: International Labour Organization	U/s	: Under section
IPC	: Indian Penal Code	UDHR	: Universal Declaration of Human Rights
IPC	: Indian Penal Code	UK	: United Kingdom
Ker.	: Kerala	UN	: United Nations
LACW	: Legal Aid Center for Women	UNESCO	: United Nations Educational, Scientific and Cultural Organization
Ltd.	: Limited	UNGA	: United Nations General Assembly
NCT	: National Capital Territory	UNICEF	: United Nations International Children's Emergency Fund
PIL	: Public Interest Litigation	UNSC	: United Nations Security Council
RAJ	: Rajasthan	UP	: Uttar Pradesh
SC	: Supreme Court	v.	: Versus
		VOL.	: Volume

About the Book

Honour Killing in India is a glaring concern in today's era. As killing a member of the family to preserve the "Honour" are these killings actually "Honourable"? There is a pertinent question attached to honour killings that are – Firstly, who is supposed to decide that a particular situation has brought dishonor to the family? Secondly, how does a person end the life of another person to protect the 'honour' of the family?

The high number of honour killings in India are not only a replication of the prevailing stark religious and caste-based divisions in Indian society but also an indicator of deep-rooted patriarchal structures which continue to control a person's autonomy and decision-making. Ultimately, all honour killings enforce a hierarchy of status and are often used to signal caste supremacy to other communities.

This Book is going to benefit all students / Scholars / Academicians to gain a vast knowledge in detail about Honour Killings in India. This Book can be used both as Text and Reference form and will develop a rational mindset amongst all – that there is no "honour" in taking a person's life.

About the Author

Dr. Sulakshana Banerjee Mukherjee presently working as an Assistant Professor in School of Law, Sushant University (Erstwhile Ansal University), Gurugram, Haryana. All through in her academic career she is well known for her meritorious performances. She is a versatile genius and has proven her skills in different aspects of academics. She has received University of Burdwan Gold medal, Renupada Chowdhury Memorial Gold Medal, Gopa Adhikary Memorial Gold Medal and Saroj Ranjan Majumdar Prize for achieving 1st class 1st position consecutively for three years. She has also achieved University of Burdwan Gold medal for securing 1st class 1st in LL.M. The then Hon'ble Ex-Governor of West Bengal Mr. Gopal Krishna Gandhi awarded her all gold medals. She has presented numerous papers in various National and International Conferences and Seminars. Also, she has published research papers, articles in leading journals, Scopus, etc. and chapters in different books. Besides, she has Chaired and Co-Chaired in different International and National Seminars and Conferences with distinguished legal personalities. Dr. Sulakshana won "Women Empowerment Award", 2019 from the Delhi State Legal Services Authority. For her commendable task in International Conference on Ethics and Integrity, 2019 she has received Certificate of Recognition from Indus Foundation of Education Research and Social welfare (UGC recognized) as Guest Editor. She has also received award for Outstanding Performance in a Conference named "Protection of Child Rights in Digital Age" held at New Delhi. Also, she has achieved "Best Young Innovator Award" from the PNGI Group in collaboration with G.D. Goenka University. She has recently received "National Teacher's Award", 2023 for her outstanding contribution in the legal field from Hon'ble Justice Gyan Sudha Mishra and onouaqble District Judge Mr. Rajender Dhar at Institution of Engineers, New Delhi.



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