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## ‘Honour crimes’ in India: An empirical study from Haryana

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### Abstract

While examining the various nuances of the existing discourse on the ‘honour crimes,’ the study provides a comprehensive understanding of violence by throwing light on multiple actors, processes, forms and dimensions of such violence in India. It emphasizes the need of examining structural and contextual nature of such violence; Particularly the underlying calculus of political economy which explains the rationale behind growing anxieties to control female sexuality and, the power dynamics among various communities which are involved in such violence. Based on extensive and in-depth case studies of Haryana, such analyses unfold the complicity and contestation of community and state in claiming authenticity in controlling sexualities of its constituent members.

**Keywords:** Honour crimes, violence, political economy

### Introduction

Over the last few decades, there is a riveting ongoing debate on the issue of ‘honour crimes’, which has been addressed by human rights activists, leaders of community organizations and religious institutions, academicians, policy makers and stakeholders of various international organizations. This kind of violence is largely seen as yet another manifestation of patriarchal violence that stems from violation of ‘customs’, ‘norms’ or ‘honour’ code of a particular community or locality. The discursive analysis of such violence has constantly evolved to include within its fold widening definition of the crime as well as different actors who are involved in the commitment of such crime.

This paper examines the existing discourse of ‘honour crimes’ in the context of India and argues how the existing discourse is not sufficient for comprehensive analysis of such violence in India. Further, it proceeds to provide conceptual framework while drawing evidences from Haryana to comprehend the various nuances of the family and community violence against individuals for policing marriages.

### ‘Honour Crimes’ in the Indian context

In the Indian context, the issue of ‘honour crimes’ revolves around violence against women perpetrated by family and community members surrounding assertion of choice in selection of marriage partner. Mostly, such violence is explained in terms of violation of dominant customs and traditions of society. Along with the caste based violence, communal mobilization has led both ideological and organizational moves to counter relationship between couples courting and marrying across communities. The families, communities and the state, steeped in a patriarchal mindset, often collaborate in regulating women’s sexuality and reproduction related matters. This regulation incurs different kinds of violence and violation of rights of women not only in the time of collective violence like war and riots but also in the ordinary and everyday realm. Moral policing and organized violence against couples in the public places, on the eve of Valentines’ Day, instigation of family members against marriage of couples of different faith are such routine form of violence. Besides, organized campaigns like love jihad is not only directed at communalizing love and marriages through propagating suspicion and hatred among different religious communities but also seriously challenging the rights of individuals, particularly the freedom of woman to assert her sexuality and choice in those matters.

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Scholars have analyzed the phenomenon of community violence against couples by underlining the importance of maintenance of the boundaries of caste, class, religion and other structures. In this context, it is argued that the idea that women are the sexual properties of their communities which mobilizes family and community to control women's sexuality, often by use of violence have been deeply internalized. Both caste violence and violence perpetrated by the Hindu Right organizations who oppose relationship between couples marrying or courting across communities. The justification of violence against women and reinforcement of the hegemonic systems of gender inequality is linked to the locally constructed concept of honour, shame and sexual purity of women. These instances of violence are motivated by the desire of maintenance of social status, caste hierarchies, material inequalities and power of caste panchayats.

The understanding of community violence in policing marriages also necessitates the analysis of the role of the community panchayats which have been associated with such violence. It has been argued that domination of Jat community in Haryana explains the reason behind the continued power of the traditional panchayat of Jats. These traditional panchayats constituted essential part of socio-political life of village communities from the pre-colonial period and comprised of elderly men of dominant caste groups. These panchayats have been claiming to work on the indigenous principle of justice where it seeks to balance the antagonistic forces by fixing a compromise. The community leaders perceive these traditional panchayats as '*panch pameswar*'. However, it is argued that in postcolonial India, the community leaders were using the united power of traditional panchayats for repression of subordinate sections of society and policing contentious marriages. The political system of *Khap* played a crucial role in raising a defensive army and collecting revenues until the suppression of this institution by British after 1857 revolt. The origin of *Khap* panchayats has been traced as a 'system maintenance mechanism' in the agrarian societies. Those panchayats which once represented all caste groups of a particular locality, now have reduced to a purely Jat institution. These panchayats played a positive role in imbibing the feeling of fraternity among different caste groups as well resolving long standing family feuds in pre-colonial period. The reasons for continued power and relevance of *Khap* panchayat in post-colonial India is explained in terms of existence of umbrella boy of Sarvakhap panchayat, persistence of kinship feeling among different clans of Jat community and use of these institutions for election purposes. It has been analysed that the massive consolidation of *Khap* panchayats in the recent times as retaliation against the growing assertion of rights of women, *dalits* and other backward sections of Haryana. Though these *Khap* panchayats proclaim themselves as cultural representatives of Haryana, they selectively target couples and their families in the name of contested notion of traditions and customs of the village.

Along with the analysis of role of existing structures and *Khap* panchayat, the discourse on crimes of 'honour' have also addressed the role of state in dealing with such violence. The notion of 'honour' as reflected in the judicial pronouncements in the cases related to sexuality of women, such as rape, outraging the modesty of women. The protectionist approach of the Court ends up in a situation

where women survivor has to constantly prove her conduct in the prosecution. The Court upholds the view that perceives women as the proprietary rights of male members. Besides, the State complicity in the violent acts by providing impunity to the perpetrators of violence against the choice marriage of a women and the adoption of many intimidating tactics is discussed to argue how the procedural law has been used by the state to deny women her constitutional rights. Notwithstanding the fact that various provisions of the personal laws recognize the importance of consent of both parties for validating a marriage, the various loopholes in the criminal law gives the state authority scope for interfering in choice of women at the behest of patriarchal family or community members [Association for Advocacy and Legal Initiatives, (AALI), 2012]. Pratiksha Baxi (2006)<sup>[7]</sup> highlights the nature of custodial power over women by their male family members by analyzing the use of the writ of habeas corpus in the realm of love. The writ of habeas is routinely used by the parents who seek to 'recover' adult runaway daughters as well as husband in the cases where women is being detained by her natal family members or when the couples seek protection from potential arrest and detention under different constitutional provisions. The battle between the natal and affinal family for her custody in the Court renders wishes of women irrelevant most of the time. Besides, scholars like Pratiksha Baxi, Shirin M Rai and Shahin

Sardar Ali, through their comparative study of crimes of 'honour' in Pakistan and India point to the diverse legacies of the common law and explore the complex nature of interaction between modernity and tradition by identifying two axes of governance of politics and governance of communities (Baxi. *et al.*, 2006)<sup>[7]</sup>. Parvez Mody points out various nuances of law from the perspective of couples who seek to legitimize their marriage in Courts (Mody, 2008)<sup>[9]</sup>. Thus, the above analysis reflects that the scholarship on such kind of violence have made important contributions in widening the definition of crime, however, the issue is addressed albeit in singular fashion either from the perspective of community or from the state.

The present study argues that the comprehensive understanding of 'honour crimes' necessitates the study of interplay of different actors, forms, instrumentalities and dimensions of such violence. While focusing on the question of marriage, the study unfolds the complicity and contestation of community and state in perpetration of violence against individuals. The study argues that prevalent 'culturalist' and 'traditionalist' understanding which de-contextualises such violence is not sufficient to explain such community violence surrounding marriages. 'Tradition', 'culture', 'honour' always works as strategy for mobilization or justification of violence and the community violence cannot be addressed without collectively explaining structural and contextual nature of such violence.

### Approach of the Study

This paper is based on data gathered from select five districts of Haryana, from news reports of such instances of more explicit or visible form of violence which ranges from, murder, acts of infliction of forms to harm the bodily integrity of a person, expulsion from village and locality, social and economic boycott, humiliation in the form of enforcing shoes in the mouth, forced rituals of siblinghood or other kinds of visible humiliation. However, while

addressing the role of the community violence, particularly, in the cases of violence against *dalits*, the study has addressed the issue of everyday confrontation and resistance between dominant landowning communities and *dalits* of a particular village.

### **Towards a Comprehensive Understanding of Violence**

As dominant 'culturalist' or 'traditionalist' explanations of such violence tend to camouflage the structural underpinnings of violence, it is important to examine the underlying calculus of political economy and study the intersections of class, caste and gender. Such structural underpinning of violence is clearly evident in the specific case study of collective violence against couples or their families which involves intravillage/ intra-caste/ intra-gotra/ inter-caste marriages in Haryana. It explains the rationale behind growing anxieties to control female sexuality and, the power dynamics among various communities which are involved in violence. Context-specific analysis of such structural violence also throws light on the different instrumentalities of violence and the underlying reasons behind variance among community interventions in similar cases. Through the study of key actors, forms, processes and various dimensions of violence, the research throws light that the boundaries or community and state are not fixed; they intersect and gets redefined when attempts to claim authenticity in controlling sexualities of its constituent members. This has been explained by analysing different dimensions of contestation between state and community in the claims of such authenticity over the individuals.

The widespread participation of family members, particularly women in agriculture and other productive work and prominence of land proprietorship necessitates the control of productive and reproductive labour of women. Reproduction is linked to the political economy of such communities, since the family or kinship structure is the primary owner of the productive resources. Such structural linkage between production and reproduction leads to the anxiety over control of sexualities of women which is idealised in the role of guardianship by the male members of family, community or caste (Chowdhry, 2012) <sup>[10]</sup>. Drawing upon such structural linkages between production and reproduction, this paper argues that dominant practices of caste endogamy and village exogamy are crucially connected with the question of inheritance. The observance of the principle of caste endogamy or marriage within the same caste group ensures that the property remains within the same caste group. Besides, the custom of village exogamy ensures that woman of a particular village is married off to a village, other than where her parental family resides. This prohibitory practice in marriage minimizes the chances of her claim over the immovable property like land or the possibility of cultivating such land by male members of her husband's family. The post-colonial legal enablement in terms of de-legitimising such marriage prohibitions and granting equal rights to women, particularly daughters has created insecurities among the male members of these agrarian communities about fragmentation of property, particularly landed property. Though, mostly women of Haryana subscribe to the dominant practices of property inheritance flowing in the male descent line, however, the apprehension of inheritance claims, centers around such women who have demonstrated their assertiveness in choosing their partners.

Besides, constriction of marriage market and the male marriage squeeze explains the greater anxiety over controlling the woman of one's own caste and 'crisis of masculinity' in Haryana. The wide range of customary prohibitory practices of marriage, structural changes in the economy and geography, unemployment, adverse sex ratio all have led to the constriction of marriage market and masculine violence. This factor also explains the instances where the family members of the couple are complicit in the marriage which violates many prohibitory customary rules. Coming to the specific category of cases of intra-caste marriages where violence is perpetrated by the dominant community against the couples and their families for 'arranging' a marriage which transgresses dominant and often contested norms, political economy of violence can be explained by exposing the underlying political and economic motives of leaders of the dominant community. In most such cases, the dominant community leaders arbitrarily redefine the traditions of the village and selectively apply it to the individual families. The leaders who mobilise the community support in the name of preservation of 'brotherhood' or 'village tradition' are mostly driven by political or economic motives. The field research shows that demonstration of leadership potential around such issues was aimed at earning good will of the dominant community members which might yield electoral dividends for such leaders in the future. Mostly, objections were raised when election was near despite the fact that marriage and the alleged breach of tradition had been in public knowledge for quite some time. In the cases of Ludana and Samaspur, for instance, the main instigators who had raised the controversy around marriages in those villages later succeeded in getting elected as *Sarpanch* in the village panchayat in the election which happened few months after the controversy. Besides, the motive of confiscation of land and other property almost invariably drives the leaders to give harsh punishment like expulsion from village within a very short duration. Such short time limit for expulsion can be seen as device to debar the victim family to make any attempt to sell their property.

In the second category of cases, where violence is organised against *dalit* community by the dominant community of the village due to an inter caste marriage, the analysis needs to be contextualised by first understanding the overall changing dynamics of power and caste relations. The ongoing conflict among the dominant castes and *dalits* follow from such overall changing dynamics of caste and power relations. Such conflicts find expression in the form of everyday confrontation and specific cases of violence against entire *dalit* community following an inter-caste marriage or elopement. There are a number of issues over which everyday confrontation and resistance occurs between *dalits* and landowning communities e.g. wage for agricultural labor, use and illegal confiscation of common grazing land, or public demonstration of *dalit* community's identity in religious, cultural or public spaces. As such, inter-caste marriage and elopement should not be considered as an isolated instance of violence and needs to be contextualized in such overall conflict ridden caste relationship. In the cases where *dalit* boy is involved with girl of dominant community, the entire *dalit* community is targeted in spectacular manner. Such instances of inter-caste marriage, gives an opportunity to the locally and numerically dominant community to violently assert their

dominance. Such instances are considered as most visible expression of *dalit* identity which seeks to challenge the established socio-economic superiority of locally dominant castes in question. However, it is noteworthy that inter-caste marriages are not uncommon in Haryana when it involves the men of dominant landowning communities. Particularly, in the prevalent context of scarcity of brides, the men of upper caste are seen to purchase wives of other castes from the other regions.

In the context of love/ choice marriages, where family members directly perpetrate violence against women and her lover/ husband, it can be argued that though violence is inflicted in the private realm, community always remain its symbolic audience. Most of the time, violence occurs only when the elopement/marriage of the girl comes into the public domain. Besides, the runaway status of daughter makes it difficult for parents to marry off the girl to other boy or marry off other girls of the family. In the dowry economy of Haryana, such girls become additional burden for parents.

This study at the community level unfolds different layers of players who are involved in the collective violence against the couples or/ and their family members. Participation of such different actors brings into the fore constant interplay of 'crisis of masculinity' in the 'private' and 'public' sphere and ensuing violence. In the case of Haryana, case studies show that there is a stratum among young men who are very active in raising propaganda about alleged 'breach of tradition' and use violence in implementing the community decisions of breaking the marriage in the village. Adverse sex ratio and crisis in agriculture and other job opportunities, has increased the number of persons who remain unemployed or unmarried. Though some of them, resort to purchase brides of other regions, such alliances are looked down upon. The dominant patriarchal structure upholds the masculine role of men as provider of the family and protector of women.

In such a construction, masculinity lies in having the ability of procreation and founding a family as well as supporting the family by engaging in labor or other activities in exchange of money. As such, for their inability to perform such masculine role, these young men are pushed to the margin of power in the family. This 'crisis of masculinity' faced in the private home is sought to be resurrected by asserting 'masculine power in the public' by such youth. Butler's idea that gender is a process, not an essence is pertinent here.<sup>11</sup> Patriarchy operates with the constant performance of 'feminine' and 'masculine' roles which are contextually defined. Gender is socially constructed and a relational notion. As such, 'masculinity' has to be constructed against femininity and vice versa. Besides, such 'masculinity' has to be constantly validated by the other men who are assuming hegemonic status in the private and public sphere.

In Haryana, this stratum of young men suffer from 'crisis of masculinity' not only in front of women, but in front of other men who are able to perform their masculine role by way of marriage and employment. As such, those men seek to redeem their masculinity by violently asserting their masculinity in the public sphere. Apart from resorting to violent practices of sexual assault of women of their own community and village, mostly such men engage in activities of community panchayats. As evident from this study's field research, these men are in the forefront of

violently imposing rituals on the women for transforming their marital status with their husbands to that that of siblinghood. In the case of inter-caste marriages, young men of the community threaten the *dalit* girls with revenge rape or actually indulge in their sexual assault in many cases. Apart from this young stratum, there are two other layers of actors who are active in intervening on issues of marriage in the community gatherings and actual decision making. These community panchayats are attended by elderly men of dominant community under the leadership of politically influential persons of that community. The post-colonial legal and political structure particularly statutory panchayat system has changed the power dynamic with regard to age, gender and caste composition of power holding group to some extent. Earlier, affairs of panchayat and community were largely regarded as exclusive preserve of elderly men of dominant landowning caste or community. In the contemporary times, there can be seen resentment among these traditional power holders that such a statutory panchayat system is responsible for their diminishing authority. In a bid to redeem their lost authority and power, actual or assumed, these elderly men of dominant community engage in decision making of these community panchayats by raising issues such as marriages. The politically influential person/s among these elderly men of dominant community or other local politician/s assume the leadership position in organizing such community gathering and deciding on marriage matters. They are motivated to play a leading role in such situations to earn the good will of the masses of dominant community and establish their leadership credentials. Though, different layers of actors are motivated by different reasons to participate in such community panchayats, however, mobilization for such community deliberations are made in the name of preservation of 'tradition' and 'brotherhood' of village and community.

Much alike the different layers of actors involved in the collective violence against the couple and their family members in the public realm, this also holds true for those actors like the family members who are involved in perpetrating direct violence against their daughter/ sister and her partner/ husband in the case of choice/ love marriages. Though, such violence occurs in the private realm, it is meant to be a public act with community as its symbolic audience. It is observed that such private violence largely stems from actual or imminent 'crisis of masculinity' in the public sphere. In the dominant patriarchal structure of Haryana as indeed elsewhere, the ability to control the sexualities of female members as well as their protection is intrinsically related to the masculinity of male members of the family. When women assert her choice in the selection of partner and leave her family, such men are assumed to have lost the masculine control over their womenfolk. Community members participate largely in enhancing the feeling of loss of control and power. For male family members, increasingly it becomes difficult to make any assertion in front of other dominant men of community as they keep ridiculing such men by pointing out their inability in performance of their 'masculinity' in front of women of their own family. This actual and imminent crisis of masculinity in public sphere is sought to be redeemed by perpetrating masculine violence in the private sphere. Physical elimination of women of their own family by the male members can be explained in terms of such 'crisis of



masculinity' in the public sphere. The role of the larger community in the private act of violence can be explained by the fact that male members only resort to violence when pressurised by the community members or when the matter came into public domain be it in the panchayats or the courts. In the case of Haryana, the study has found that possession and dispossession of land is a crucial determinant of dominant status of a particular caste group in a locality. Dispossession of land leads to dependence in terms of livelihood as daily wage laborer in the land of members of dominant landowning community. For this reason, landless *dalits* are in subordinate position to the landowning castes in whose agricultural field they work. Among the different sections of the dominant caste, there is also status hierarchy which follow from the ownership of landed and other property and political power.

The study also points to the contestation of state and community when they claim authenticity in controlling the sexualities of its constituent members. Such contestations have also thrown light on the different notions of 'justice' and limitation and strength of community and state intervention in matters of marriage and control of sexualities of individuals. Besides, it also unfolds the changing positions of state and community in cases of violence against marriages. The study underlines the community perception of the desirability and capability of state intervention in such matters. State is largely perceived as a site not well equipped to intervene in the 'familial' or 'private' matters. State intervention is sought as last resort in the internal matters of community or village as reflected in the opinion of dominant leadership. Most of the Khap leaders argue that real justice lies not in terms of punishment of guilty as embedded in state conception of justice which is endorsed by the state institutions. Rather, they perceive justice in the form of balancing antagonistic forces and effecting compromise. When individuals/ family members who are victimized of family/ community violence resort to the intervention of state for affecting justice to them, such intervention incurs great deal of community displeasure. As such, state intervention in delegitimizing the decision of the community panchayats, is a public demonstration of diminishing power of community members against the state. As reflected in the cases of intra-caste violence, the intervention of the court and consequent action of police led to revising of earlier stern stand of *Khap* panchayats. When there is no intervention of the state, the community members spell stern punishment like social and economic boycott of victim family or expulsion from the village within a very short duration. However, after the state intervention, the community attempts to reassert its power and authority by softening its punishment in a wider community forum. In the cases where family members are convicted for their violence against their daughters and her partner under the pressure of community, it is found that the earlier open claim of involvement in such matters by the villagers/ community members become timid. The higher authority of the state is circumscribed in the actions of the state itself. At times the state subscribes to the community claims for authenticity in matters of 'familial' and 'private' realm. As reflected in the popular opinion of community members, the state can shield the couple and family members only for a limited period for violation the dictates of the dominant community. Ultimately, such couple and family members have to confront the community. Such conceptualization of

community authority over the state often legitimizes settlement of the matter by community members itself. State mechanism also works for such 'community justice' in the settlement of marriage and family members in the village. Such 'justice' is done only in the return of withdrawing the case against the leaders who inflicted violence against victim couple and their family members. Such attitude of the state authorities in protecting the culprits in the name of settlement of victim family can be regarded as one of the reasons for continued dominance of *Khap* panchayats.

### Conclusion

Thus, this paper has explored how the structural analysis of the violence is necessary for comprehensive understanding of the growing anxiety and violence against couples. Besides, it is also explained how the state ambiguously attempts to legitimise or contest communitarian control and authenticity in the control of sexualities of its citizens. In regards to such control, this paper tried to throw light on the aspect that boundaries of state and community are not monolithic; they intersect and get redefined in the everyday practices.

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