

## Protecting marriages across castes

Eight years after the National Commission for Women (NCW) proposed a special law to punish honour killings incited by khap panchayats, the Supreme Court has said that adults are free to marry persons of their own choice and hurting couples, or summoning them before clan members, groups, or a khap, is “absolutely illegal”.

The Prevention of Crimes in the Name of ‘Honour’ and Tradition Bill, 2010 was an outcome of the “spate of murders and dishonourable crimes in the name of ‘honour’”, said the NCW in its statement of object and reasons. Though killings and crimes were reported mostly from north India — especially Haryana, Punjab, Delhi and western Uttar Pradesh — as well as west India, the problem was widespread and almost every part of the country has witnessed such incidents, it said.

“A crime in the name of ‘honour’ is one of a range of violent or abusive acts,” the NCW said. This includes emotional, physical and sexual abuse and other coercive acts. “In each of these cases, the family of the girl who has chosen to exercise her choice to marry is implicated,” it said.

Those instrumental in committing these killings are families of the couple. Either they kill the couple themselves or in association with other persons from the same caste or khap or community-based panchayats, it said.

The purpose of these panchayats or associations is to terrorise people and prevent associations, including marriage, on the basis of choice, it said. They justify their actions in various ways, but commonly on the basis “custom and tradition”. These acts, the NCW said, show a violation of fundamental rights, including the right to life and liberty.

Khaps exercise their authority in various ways: they demand payment from couples, impose social or economic sanctions on them, order that they or their families be boycotted, divest the couple of any land or property that belongs to them, and harass, intimidate, or murder them.

The NCW recommended that the anyone who kills or hurts an adult couple who chose to marry of their own free will should be punished for murder or any offence under the Indian Penal Code. The government agreed to the Supreme Court’s suggestion to frame guidelines recognising honour killing as a separate offence.

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Marriage is a civil contract — adultery or divorce should have only civil consequences

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