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Honour Killing – A Heinous Crime

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Abstract : *This study focuses on people's perception on honour crimes, the extent to which it is prevalent in India and the different laws that can be enacted against this crime. It has been suggested that in large number of honour killings, the victims are mainly women. The violence towards these peoples different from culture to culture. It has been argued that more Muslim countries comply with this crime than the other countries. To investigate these issues in depth a qualitative research strategy was adopted. From the secondary research that was conducted, it was clear that honour crimes are motivated by cultural beliefs. However there is not one clear definition to honour killings and people's perception varies according to time and culture. It*

was found that honour killings fall under the category of domestic violence and under the violation of human rights in India. It has not yet been kept in a separate category. The concept of honour killing has recently been highlighted and more people are aware of it. A new task force has been assigned to tackle this crime. The main conclusion that were extracted from this study are that honour killings are mostly prevalent in North India in the states like Punjab, Haryana, U.P, Rajasthan, Bihar etc. The Khap Panchayats are supported politically by many politicians in India just for their vote banks.

Key words : *Honour killing, old tradition, cosmopolitan generation, discrimination, vilest.*

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Introduction:

Honour Killing as it is euphemistically called is the ultimate retribution imposed by men on women whose actions are deemed to have besmirched the family's honour. The persistence of such practice despite prosperity and education remains to be introspected. It curbs the possibilities of change which are marred by the medieval mindset. To bring about a social change thus becomes a challenge which stands in confrontation with the traditional structures of authority. It is also time to make a choice as a modern nation determined to keep our trust with modern democracy or a tradition enraptured society where an imagined Indian

culture (Bharatiya Sanskriti) handed down from the mythical past will be the guiding light for our future.

The very term honour killing is an oxymoron, one which accepts that a murder motivated by a misplaced sense of pride, in most cases 'honour', takes place when a member of the family contracts what is seen as an unsuitable alliance with a person not approved by the elders either because he or she is from another community or caste. The fragile honour of the family or community is saved by the Khap Panchayat verdicts, where mostly the punishment is nothing less than death for the 'deemed' offender, most often a young man or woman whose only crime is to exercise their own choice.

It is indeed ironical that while India is in the news for being one of the fastest growing economies in the world, honour killing is also increasing steadily. It is quite strange to learn that even after sixty years of independence and with all the progress we have made, there still exists some obnoxious practices in our society that make the life of people most difficult, because of their obscurantist belief.

Honour killing is one such instance, where people who opted to exercise their freedom of choices were made to pay with their precious lives. This barbaric practice has prevailed for hundreds of years in the northern states of Bihar, U.P., Punjab, Rajasthan, Madhya Pradesh and Haryana but it is only now that the media is highlighting this heinous crime. Young lives full of potential are sacrificed because of the medieval notion of honour when they have dared to marry outside the accepted norms of the society they live in.

Objective :

The main objective of this research was to find out the extent of honour killing that prevails in India and the different policies formulated and planning executed against this crime. The purpose of this work was to make the people, who are obsessed with their false prestige, aware that they are not even hesitating to kill their loved ones.

Methodology :

- A study on a large number of published judicial decisions of the Supreme Court and the other high courts.
- Constitutional and legal provisions available against honour killing.
- A scanning of policies of the Central and State government and their plans and programmes.
- A study of selected number of secondary sources and publications, books, officials' reports, media clippings, and past seminar reports concerning the issue.

Concept of Honour Killing :

Honour killing is defined as a death that is awarded to a Boy / girl of the family for marrying against the parent's wishes, having extramarital and premarital relationships, marrying within the same gotra or outside one's caste or marrying a cousin from a different caste. Honour killing are acts of vengeance, usually death, committed by male family members against female family members who are held to have brought dishonour upon the family. A woman is looked upon as repository of the value upheld by the family and thus if any change and deviation of those values occur-the –honour – which resides in the "women" appears to be hampered or devalued. Then as a strong barbaric reaction the desire and ambition of the women is completely overlooked and she is punished, eliminated, in secrecy to retain the so-called "honour" of the family. It is mainly confined to females but has also been extended to men.

We have had a tradition of honour killing. This tradition was first viewed in its most horrible form during the partition of the country in between the years 1947 and 1950 when many women were forcefully killed so that family honour could be preserved. During the partition, there were a lot of forced marriages which were causing women from India to marry men from Pakistan and vice versa and then there was a search to hunt down these

women who were forced to marry a person from another country and another religion and when they returned “ home” they were killed so that the family honour could be preserved. At that time, the influence of religion and social control was much greater and hence there were at least a couple of honour killing a day, if not more. The partition year can be seen to be the beginning of the tradition of honour killing on a large scale. Honour killing is not specifically related to India only. This is a practice that continues to be prevailing in North and South America, Africa, Turkey and many other countries.

In India, the honour killing is spread over such a large geographical area that one can't isolate honour killings to rural areas only, though one has to admit that majority of the killings takes place in the rural areas. But it has also been seen recently that even Delhi and Tamil Nadu are not safe from this crime because many honour killings are reported from Delhi and Tamil Nadu. So it can be seen clearly that honour killing is not isolated to rural areas but also to the urban areas and it has a very wide geographical spread.

Most of the people believe that honour killing has its religious roots. But this concept is wrong. Even if a woman commits adultery, there have to be four male witnesses with good behaviour and reputation to validate the charge. Furthermore only the state can carry out judicial punishment, but never an individual vigilante. So one can see clearly that there is no religious backing for this heinous crime.

Honour Killing – Some Key Facts :

Known Global Practice of this lesser known global practice.

- The United Nations Population Fund estimates that 5,000 women are victims of honour killings every year.
- Most honour killings of women occur in Muslim countries, although such murders are not sanctioned in Islamic religion or law.

- Honour killings are likely most pervasive in Pakistan, where they are known as karo-kari. Women are treated as property while honour is so deeply entrenched in society, that the government often turns a blind eye to these honour killings. Instead, the murders are reported as suicides or accidents.
- In a study of female murders in Alexandria, Egypt, 47% of the women were killed after the woman had been raped.
- In Jordan and Lebanon, 70-75% of the perpetrators of these honour killings were the women's brothers.
- In some countries, men who carry out honour killings escape with lesser penalties. In Jordan, honour killings are sanctioned by law.
- Teenage brothers are often selected to be the executioner as their sentences are generally lighter than those handed down to adults.

Causes of the Honour Killing :

- ***Social pressures due to a mindset that refuses to change with time*** : Caste still remains one of the most important factors governing the lives of patriarchal society and inter-caste marriages are frowned upon. Marriages within the same gotra or sub-caste are perceived to be incestuous, and hence there is a fear that future generations may be mentally or physically challenged if marriages occur within the same gotra. The abovesaid factor of incestuous relation forms the cornerstone for the commitment of this brutal practice. The transgression of local rules of gotra exogamy which often result in runaway marriage. Sacrosanct social norms are thus maintained even at the cost of defying law.
- ***Conflict between new age cosmopolitan generation and old tradition***: One reason for the increase in such crimes is the trend of more and more youth living outside the traditional caste set ups and contexts. Many

young boys and girls today study / work or socialize as equals in cities and towns where caste issues do not become a constraint for social interaction, friendship and marriage. Youth today are keen to free themselves from the oppressive or restraining old traditions. They want to take responsibility for their own lives. Many of them go beyond the confines of caste and community to establish relationships. Internet and other social networking media and chat sites also contribute greatly towards this.

- **Passiveness of police:** In many villages, the leader of the self-appointed court has so much power that the police are kept away from village politics and many deaths go unrecorded. Also, since the police are themselves part and parcel of the social structure, they often turn a blind eye to such incidents.
- **Lack of political will :** The khap panchayats dictate to their subjects whom to vote for. According to Prof. Javed Alam, politicians do not renounce the practice because if they did, "they would not win elections".
More recently, Jat leaders such as Om Prakash Chautala and even the younger, supposedly "modern" Navin Jindal, have supported and forwarded to the Government the Khap Panchayats demand to initiate changes in the Hindu Marriage Law.
- **Lack of awareness :** Most of the people are still unaware of the fact that there is nothing 'honourable' in 'honour' killing, and it is nothing but barbaric and brutal murders by bigoted persons with feudal minds. Moreover, the rigid and conservative minds, the patriarchal society and the habit of overlooking completely the individual identity of women in society all these factors make people unaware of the fact that honour killings are nothing but heinous acts of violence and hence must be treated as serious

crime. Besides, it can't be justified on the basis that it upholds the morals of society or a religion.

Some of the important reported cases of Honour Killing:

A conference held in London Metropolitan University on 4 July observed that more than 1000 young people in India are killed every year for marrying, eloping or merely falling in love within the same gotra or different caste or religion. As against the popular opinion, honour killing is not just a phenomenon in Muslim families. It is equally common in Hindu, Sikh and the other religious families too. Honour killing is widely prevalent in Haryana, Punjab and U.P. North India has witnessed nineteen honour killings between 9 April and 30 June this year (TOI 1 July). This makes it roughly one murder every four days.

Over the years, there has been a great increase in the numbers of couples seeking protection, fearing for their lives once they decide to marry. Advocates say the Punjab and Haryana high court receives as much as 50 applications a day from couples seeking protection. Such is the pressure that the high court recently ordered district and session judges also to hear petitions. Five important cases of this heinous crime are cited as an empirical study showing the wide range of this heinous crime cutting across religion and caste to enable us to form an understanding of the context of this gruesome crime across rural and urban areas as well.

- In 2010, a father allowed his relatives to rape his own daughter right before his son-in-law. Not satisfied, he later killed him in front of his raped daughter (TOI 16 June). This is how Daya Singh, the father, retrieved his honour that the daughter had lost by marrying a low caste man, she was in love with. It happened in Delhi, the heart of the urban India.
- In yet another case of honour killing, 22 year old Seema- a Brahmin girl in Jammu- was

poisoned and then strangled to death by her father for marrying a dalit boy Tarsem Lal, in a secret Arya Samaj wedding in April. Though the marriage was kept a secret for some time, Seema finally told her father about it when her marriage was fixed with someone else. Her father managed the situation by getting her younger sister married to the boy fixed for Seema but on the same night he allegedly killed her. The father told the police that he had poisoned his daughter and then as she didn't die of the poison he strangled her to death.

- In June 2007, the bodies of a young couple, Manoj and Babli, were recovered from a canal in Kaithal district. They were murdered and thrown into the canal by the relatives of the girl for marrying against the family's wishes.
- In September 2007, Rizwan, a Muslim youth in Kolkata who married Priyanka, the daughter of an influential industrialist, Ashok Todi, against the wishes of her father, was found dead by the railway tracks near Dum Dum in Kolkata. Rizwan's death came barely after a month of his marriage with Priyanka. It was a well publicised case..
- Monica Dagar, a B.Sc student, married Gaurav Saini, a computer engineer, against her family's wishes. Monica came from an upper caste family while Gaurav belongs to the lower caste. But on July 5, Monika's brother filed a complaint at Sahibabad police station charging Gaurav of kidnapping and raping his sister. On July 12 the police arrested him. The police didn't take Monica's statement and instead took a statement similar to what her brother had alleged. Gaurav's family through an Habeas corpus petition and justice Sanjeev Kishan Kaul and Justice Arjeet Bhariyog ordered that the girl be produced on October 7, the next day. But on October 3 Monica in her parental home was found dead. The family said she was sick and had died. She was soon

cremated without post mortem or reporting the death to the authorities.

These are some of the reported cases of this heinous crime but there are a large number of cases still existing at the present. Many of the cases go unreported while in most of the cases the police are unable to control the situation. So India must do everything to end this crime. Honour killing is a black spot on the dignity, culture and tradition of India.

Consequences of Honour Killing :

- **A bane to the society-** Honour killing is a menace that has destroyed the roots of the Indian society. To be young and to make a self choice often in defiance of age old social norms has proved to be fatal for the Indian society. The stereotypical image of the society that a young boy and a girl cannot take a decision about their marriage has not undergone many changes. The bigoted society has refused to accept the contemporary changes and can't endure any violation of their rigid customs and dogmas. This in turn gives birth to a jinx disguised under the name of "Honour Killings", which is not a boon but a bane to the society. India is a country known for its blend of multifarious cultures, traditions and religions. But, throwing a cursory glance at the real picture, one will find that, in spite of all this there are no amicable relations between these faiths, religions, customs and traditions. Religious and social fanaticism has led to death not only of love but of lovers also. These Khap Panchayats are like vultures, which leave no stone unturned to catch hold of lovers, who have to pay a huge cost for loving someone.

It is a menace where, the lovers fall a prey to blind dogmas and traditions and are massacred in the name of honour. This menace is taking its toll in the society because it is getting sanctioned by a number of caste panchayats, with the involvement of family

members. These panchayats came to be known as Khap Panchayats. These Khap Panchayats are thriving in many villages, especially in North Indian states of Punjab, Haryana and Western Uttar Pradesh. It is unfortunate that in a democratic and civilised country like India, the dreadful and divisive Khap panchayats continue to exist.

It is necessary to note and explain the fact that Khap Panchayat diktats against same gotra or inappropriate gotra marriages have surfaced in the last ten odd years, gathering steam in more recent times. The gruesome killings and punishments such as expulsion from the village, social ostracism, etc, inflicted on couples and their families have propelled some civil society bodies to take up cudgels on behalf of the beleaguered couples. Support by groups such as the All India Democratic Women's Association (AIDWA) and a proposal by the Government to bring a law against honour killings (by adding new clauses to section 300 of the Indian Penal Code) meant to rein in the Khap Panchayat, have strengthened their resolve to protect their turf. With the result that these bodies are taking a more militant stand and demanding an amendment to the Hindu-Marriage Act to make impermissible marriages which violate local gotra-related norms.

- **Loss of a number of lives-** Even though the number of self choice marriages are escalating day by day the reality is raucous in most of the villages. The scene in rural areas is exactly contrary. Youth has to pay a huge price for choosing someone as life partner from different ethnic group. It is believed that members of Khap Panchayat abide by their social traditions and customs, where inter-caste marriages are not allowed. When people cannot marry by choice, they are forced to

abide by baseless superstitions. Caste thus remains a crucial factor which still governs the life of a number of people, especially, in rural areas of Punjab, Haryana and Western parts of U.P. A number of people have fallen a victim to this jinx. It is a false notion that only women are victims of honour killings. Even man falls a prey to this menace. Many grooms have been killed by the father or brother of the bride. This menace not only covers areas of North India. It embraces other areas as well.

- **Promoting the division of society on caste basis-** When one looks at India as a whole, there are two entirely different worlds. First, the world of those people living in the city, who are not only progressing economically and technologically, but also in context of their ideas and outlook towards life. They are broad-minded people and have nothing to do with caste related distinctions. Second, is the world of those who thrive in rural areas and are still bound by the rigid beliefs of caste system, that existed innumerable years ago and refuse to move ahead in life.
- **Adverse effects on youth-** In the recent times there has been a spate of honour killings and the trend is continuously increasing day by day. The publicity which has been given to the issue by media has created adverse effects on the minds of the youth of the nation, who may be intending to get married according to their own choice. It is just because of this that couples commits suicide, to escape from the gruesome killing.
- **Violation of human rights-** Due to this several Human Rights violations and violations of fundamental rights is happening. Honour killing is a badge of shame on our country, where a person's right to life is denied. He falls a victim to the bigoted people of the society.

Has India moved forward in its socio-cultural aspects ?

It would be incorrect to say a firm no as answer to this question, but in the same breath it should also be accepted that India has a long way to go when it comes to breaking the boundaries of caste and religious identities. For most of the time, people have served caste and religion as fundamental sources of their identity and it takes a lot of courage to transcend it. This is partly because of the social hierarchy perpetrated by caste identity and the polarization it generates. And therefore any marriage that defies this social hierarchy will naturally invite the wrath of those who are determined to preserve their privileged social domain. This social division is much more pronounced when it comes to religious affiliation. There seems so much paranoia created by certain socio-political organizations in India about people wanting to move beyond their given religious affiliation and identity. There is no dearth of accident in the recent pasts because of the cash for riot 'nationalists' like Muthalik and his infamous sena, where couples from different religious affiliation were subjected to social boycott and even physical intimidation by vigilantes, victimization, loss of share in property and much worse, the loss of the love of family. That such thing continues to take place in a country that has accepted individual freedom as basic principle of democracy is a matter of serious concern to all right thinking people.

Legal provisions against Honour Killing :

Honour Killings are homicide and murder which are serious crimes under the Indian Penal Code. It also violates Articles 14, 15 (1) & (3) 19, 21 and 39(f) of the Constitution of India. It is against various international commitment the Government of India has made in the "United Nations Convention on the Elimination of All forms of Discrimination against Women" (CEDAW) of which India is a signatory and has also ratified the convention. It is

also against the spirit of Universal Declaration of Human Rights and International Covenant on Civil and Political Rights.

India, as a state party to CEDAW has the legally binding obligation to "eliminate discrimination against women by any person, organization or enterprise," as enumerated in article 2e.

India's National Commitment :

Article 14 , Constitution of India - The State shall not deny any person equality before the law or the equal protection of the laws within the territory of India.

Article 15, (1) Constitution of India- The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Article 15 (3), Constitution of India- Nothing in this article shall prevent the State from making any special provision for women and children.

Article 21, Constitution of India- No person shall be deprived of his life or personal liberty except according to procedure established by law.

International Commitment :

Convention on the Elimination of All Forms of Discrimination against Women (1981) Article 2- states Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

Major ways to tackle Honour Killing :

- **Change in the political attitude of government-** firstly, the government has to stop giving support to such acts such as the support given by the CM of Haryana to the khap panchayats on their decision to put a ban on same gotra marriage. These cheap methods of politics to increase votes are causing irretrievable harm and this has to come to an end.

- **Implementing new influential laws and acts-** The courts of justice have to play a more dynamic role by bringing out the grass root problems and formulating laws which eliminate these issues forever. The government should introduce acts of serious punishments to those who glorify honour killing in anyway. The Government needs to adopt stringent laws to curtail this menace. The Supreme court's directive under which it has issued a notice to the centre and eight north Indian states asking for details of the steps taken by the state governments to prevent these "honour killings" is a welcome change. Along with this, the active role played by the media will definitely ensure the initiation of a revolution that shall ensure that these "honourable" acts are declared to be extremely "dishonourable" followed by a severe punishment.

The Supreme Court observation that Kangaroo courts were "barbaric and illegal" and perpetrator of crimes which required the harshest punishment. There is definitely some merit in the apex court prescribing the harshest of punishment for those carrying out these crimes, since it is often seen as right for the family or community to mete out 'justice' to those who deviate from their norms. The law on murder is applicable in all instances and no Khap or Community should be allowed to get away with citing outdated feudal norms. Real honour for any person or community comes from adhering to the rule of law, not from taking on the spurious role of judge, jury and all too often executioner.

- **Reforms in Police** - There is an urgent need to sensitize the police to social norms and values. The fact that the police have opened shelters for young 'couples on the run', from the wrath of families and communities should go some way in allowing young people, to decide on the course of their live without the

restraints placed on them by an oppressive and feudal social order.

- **Educating people-** There have been no honour killings in West Bengal in over 100 years, thanks to the influence and activism of reformists like Vivekananda, Ramkrishna and Raja Ram Mohan Roy. Rigid mindsets are difficult but not impossible to change. Reform can and will occur when education spreads to every nook and corner of the country.
- **Creating awareness-** The enlightened people should write about this tragedy in articles and blogs. Street plays need to be enacted to spread the message that honour killing s are nothing but a heinous act or a growing social evil and there is a need to abolish this crime. A mass movement is the best way to create awareness and change the society.
- **Changing mindsets with the time-** One must understand the continuously changing environment in which they are living. The orthodox parents should change their mindsets and should try to understand that the old traditions and beliefs are not much worthier than their own children's lives and that the true honour lies in their happiness.

Findings :

Home minister P.Chidambaram speaking in Parliament in July this year said that "honour killing is rooted in anachronistic, antiquated attitudes and false premise. "The vilest crimes are committed in the name of defending the honour of the family or women and we should hang our heads in shame when such incidents take place in the 21st century." The best way to deal with the "deplorable practice "he pointed out is to investigate, prosecute and punish the accused in a few cases so that the message goes that exemplary punishment can be given. Chidambaram suggested several measures to deal with the menace which includes sensitizing

police officials, enforcing existing legislations, setting up women police stations, counselling to victims of rape, wider recruitment of women police officers and sensitizing judiciary and civil administration.

India needs to address the problem of “honour killing” with some serious measures. The name of this despicable crime itself indicates the kind of secret sanction society has bestowed on such premeditated and cruel acts of murder. What is shocking is that in some instances of “honour killing” the police have either looked the other way, or have acted in collusion with the perpetrators of the crime rather than act in support of the victims. In many cases the families which are influential and financially well off get away from the arm of the law using their influence, muscle and money power.

Surprisingly, honour killing is widespread in some of the economically advanced states. The three states that top the list are Punjab, Haryana and Uttar Pradesh. In Muzaffarnagar district in western Uttar Pradesh, at least 13 honour killings occurred within nine months in 2003. In 2002 while 10 such killings were reported, 35 couples were declared missing. It was estimated that Haryana and Punjab alone account for 10% of all honour killings in the country.

Suggestions :

- The government should put more stress on making separate laws for honour killing because it is high time that such heinous acts are abolished.
- People should do everything to put an end to such barbaric acts as the people have the fundamental rights to live their lives in dignified manner, and society should facilitate that instead of creating hurdles on their way in the name of redundant traditions.

- Civil society groups and religious leaders need to join hands in order to get rid the society of several outlandish practices that have lost their relevance.

Conclusion :

Honour killing became deep-rooted during the partition of India but it is now that the media is highlighting this crime. Honour killing is disturbing today’s progressive environment. It’s we who have made our own culture and traditions full of vices just for our own interests. India is still being praised for its culture and tradition all over the world and will be praised forever if we make our society free from such evil and obscurantist practice.

To understand both the timing and intensification of Khap Panchyat activity against various types of marriages, (self-choice) which violates the rule of caste endogamy, inappropriate gotra marriages which are inter caste but not legitimised. One has to look beyond surface explanations offered in terms of violation of customary norms and interpreted as violations of the community’s honour. One important explanation may lie in the gender imbalance signified by the very low sex ratios. As a result of which smaller female cohorts are born. Given the shortage of marriagable women in Haryana and Uttar Pradesh, communities, wish to maintain a tight control over the women available in their marriage pools.

Therefore, the two major issues of adverse sex ratio and the shortage of brides are the outcome of such medieval mindsets which exert their influence on Khap Panchayat. But fortunately we need to observe that it is women in this male dominated society who have publicly stood up the might of the Khap Panchayat and are challenging their writ. The female agency has been addressing these issues aided by the media. The effort of the society for

recognition of the primacy of the law of the land regarding marriage will loosen the hold of extra constitutional bodies on the right of couples and families to make their own marriage decisions.

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