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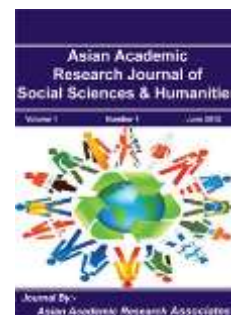
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## KHAP PANCHAYATS: CONTINUITY, CONFRONTATION AND CONTRADICTION

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### ABSTRACT

Khap is a cluster of villages united by caste and geography. It is as old as 14th century started by upper caste jats to consolidate their power and position. The main rule is that all boys and girls within a khap are considered siblings. Khap panchayat governs the Khap formed by same gotra (clan) families from several neighbouring villages. Khap panchayats are prevalent in Haryana, western Uttar Pradesh and Parts of Rajasthan. Love marriages are considered taboo in areas governed by Khap panchayats. Those living in a Khap are not allowed to marry in the same gotra or even in any gotra from the same village. Many young couples have been killed in the past defying khap rules. Khap panchayat imposes its writ through social boycotts and fines and in most cases end up either killing or forcing the victims to commit suicide. All this is done in the name of brotherhood and its honour. It is due to the inherent weakness of democratically elected Panchayati Raj institutions, Khap panchayats have been powerful. Even the government has not done much to control their power. In some Haryana villages, the young girls are routinely threatened, abused and killed all under Khap verdicts. It is acceptable for the families to feed pesticide pills to the teenage girls and then dispose off their bodies by burning them without any police records. The entire onus of siblinghood rests on the girl. She is the keeper of village honor. Sometimes rules are bend for the boys but a girl is never allowed to bend the rules. If a couple run away then the families risk the boycott and hefty fines in lakhs of rupees. Even the other women of the house can suffer abuse. In keeping with the khap rules, older villages try to keep the young people apart. Some schools are also forced to have separate timings for the boys and girls. Fearing their daughters would go astray, many parents marry them off at an early age. People have unquestionable faith in the justice of khap. The question of rights for women does not exist anywhere in the territories ruled by Khap panchayats.

**Key Words:** *Khap Panchayats, Continuity, Confrontation and Contradiction*

## 1. Introduction

The recent spate of killings/threat to killing in the name of honor and social ostracism, rapes has once again brought cast based discriminations, hierarchies, conflicts and distinctions in the society. Rape of lower cast girl by higher caste boy further crystallized the differences and cleavages in the caste ridden society. To challenge the undermining of caste, inter caste marriages and to challenge the principle of achieved status and to establish the principle of ascribed status, the Khap Panchayats in particular regions of Haryana, Punjab, Uttar Pradesh, Madhya Pradesh and Rajasthan in North India have become active and assertive during the recent past.

The Khap Panchayats is a traditional institution engaged primarily in regulating the behavior of individuals or groups in North India and dispute resolution. Sometimes they remain politically active are primarily concerned with social issues only. Mughals and Britishers also use them for their mileage and administration of the society. Despite the changes in the society, Khap Panchayats are popular among the people for number of reasons and these are they do not involve any money; they are less time-consuming; there is a direct negotiated settlement between both parties before a large audience that includes persons of authority in the Panchayats; they help to maintain social order among people of different castes; and they act as an important agency of social control also alternative dispute resolution and redressal agencies. These reasons are responsible for its survival over the long period of time. But sometimes these panchyats gave their verdict which has been in clear contradiction with the modern law and modern institutions such as the judiciary and the administration. Though these Khap Panchayats remained the instruments of social change but at the same time, presently these Panchayats have stooped to endorse the inhuman acts like honour killings, acts of violent retaliation both mental and physical. Though these acts have been widely condemned by the civil society, still these Khap Panchayats are dominating the whole social scenario in the name of maintaining the social order. The assertion of Khap Panchayats to legitimize their role and relevance in dictating the social justice based on traditions and caste system and caste hierarchies and social cleavages. This assertion further reflect the confrontation between the traditional and feudal hierarchy of caste system and modern democratic and egalitarian society, clear contradiction between rapid socio-economic and political transformation and deep rooted caste system in Indian social system, multidimensional caste conflicts and these caste conflicts have been further cemented by the

Khap Panchayats and these social conflicts are key to the understanding of social inequality and injustice.

There is lack of literature on the origin of the Khap Panchayats, but there are certain references in some studies that indicate the existence of multi-village organizations which are structurally similar to Khap Panchayats. The existence and role of the Khap Panchayats were recognized during the Mughal period in much clearer terms. These Khap Panchayats had been freedom in matters of religion and internal administration. They had been exempted from the taxes and have been given autonomy to run their internal matters and they used old customs and traditions to run their organizations. These Panchayats had some executive and administrative functions such as land revenue collection and the general administration of the area. These Khap Panchayats also worked for social welfare of the people falling under their jurisdiction. These organizations continued to provide a common platform to their constituents in order to resolve their various problems. Social sanctions, the most important part of traditional dispute resolution systems, help the Panchayats in the implementation of their decisions. The fear of social sanction acts as a deterrent on the minds of individual and families which might tempt to violate traditional norms. Most of the punishments are in the form of fines. Murders, incest and inter caste marriages invite the severest forms of punishments like ex-communication. Thus the criteria for the organization of the villages appear to be: The villages were organized on the basis of gotra, single caste dominance, on the basis of group of villages based on different castes and clans were combined into units.

If we review the role of these Panchayats, the issue that overwhelmingly dominates these Panchayats is inter-caste marriages and the role of these Panchayats does not live upto the expectations of the changing social scenario. The decisions taken by the Khap Panchayats particularly in case of inter-caste marriages do not matches with the changes in the perception of marriage and secondly these decisions are in clear contradiction with the law of the land. They have not only declared these marriages as void marriages but in some cases declared the husband and wife as brother and sister, ex-communication and the most severe is the murder of the couple in the name of honor killing. These decisions of the Khap Panchayats are seems to be taken by the Khap Panchayats in order to legitimize their role in the society. But this has further deepen the cleavage in the already caste ridden society. The Khap Panchayats failed to synchronize themselves with the socio-cultural transformation that the processes of the industrialization,

urbanization, increased mobility of people, break up of joint family system have brought about, is the real cause of these changes. Thus these Khap Panchayats first confronts with the changes in the socio-cultural scenario and then contradict with the existing civil rights and legal parameters.

It is the civil right of an individual to choose his or her life partner. Honour killing in the name of tradition is a heinous crime in this age of civil rights and democratic ethos. It is really sad that these Khap Panchayats have been supportive of these killings. Honour is the most cherished value in the Indian Patriarchal families irrespective of the caste, religion and regional identities. Families gain or lose honor through money, power and improper behavior of women. Jar, Joru and Zameen remained the focus of all the disputes in the typical patriarchal societies. Women are the holder of the honor of the family as a daughter, wife and mother and while man regulate it. This is a highly contradictory situation as the honor is presumed to be female linked commodity coupled with the wish of the male to ensure that she does not jeopardize this delicate balance at any cost. Thus the honor of the man lies not to uphold the honor of the family but to make the females realize that they should uphold the honor of the family at any cost and any breach in this would be dealt severely. Khap Panchayats are very well endorsing this fact. In the recent spate of the rapes in Haryana, the leaders of Khap Panchayats have expressed that the marriageable age of the boys and girls should be lowered down and they should go early marriage. It seems that these leaders of Khap Panchayats, who consider themselves as the agents of social control, are oblivious of the fact of marital rapes, rape of the married women by another married man. So solution of this problem does not lie in the lowering down the marriageable age but the drastic change in the attitude of the people towards women, which these Panchayats do not want to endorse. As they have and they are supporting the subsidiary status of the women.

Further these Khap Panchayats are perpetuating caste discriminations, oppressions and exploitations. The continuous interactions between the caste and the recent assertion of the Khap Panchayats to revive their relevance and challenge marriages within the same gotra as contentious, as these kinds of marriages violate the principles of long standing traditions and custom of gotra exogamy. This reflects the degree of internal strife, discriminations, dominations, hierarchies, oppressions and exploitations that are wide spread with in the caste. The brutality of the Khap Panchayats and the political support they have gained reminds us of the urgency to rethink about their role perpetuating caste discriminations, oppressions and

exploitations in the society. These Khap Panchayats are opposed to non stratified, egalitarian and liberal society based on democratic ethos. They are against the weakening of collective identity of the caste and the strengthening of individual identity and mobility. They favored this contention that the group identity should supersede the individual identity and the position of the individual should always run subs variant to his or her cats and should not be separated.

## **2. Conclusion**

In order to assert its relevance, these Khap Panchayats should focus more on the existing social problems like dowry, female foeticide, domestic violence, drugs, illiteracy etc and these problems should be taken by these Panchayats independent of cast and jati configuration as these concepts are diluting because of socio-cultural transformation and changes. Instead of becoming the custodian of Indian society and social control, they should play a more relevant role in dealing with the above cited social problems owing to their geographical, social and political clout. These Khap Panchayats should recognize their strength and instead of becoming the victim of identity crisis and should play a more positive role towards society.



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