



Role of khap panchayat

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Abstract

The mode of governance was that of a council of five, which was called a Panchayat. We find that the republican form of society existed from the most ancient times known to us. In various times the society coalesced around monarchical forms, but the republican societies did not die out. There is clearly a long way to go before the rule of law can be enforced across India in the teeth of deep-rooted social oppression and prejudice and ideas that have come down generations. It will take time before constitutional and legal equality and democracy can translate into genuine social democracy on the ground. However this rule is not enforced in south India and one can marry into his/her mother's gotra. This is not allowed in north India. The system which is fast losing its value in metropolitan and urban areas due to modernization is still prevalent in many rural areas. As a result their medieval village level panchayats function as parallel courts. The government social norms and pronounce verdicts which are in contravention of the modern equitable laws that post-independence. India adopted as a democracy. The political and judicial power that the khap have affects the life of many to a great extent. In order to act according to the rules older villages try to keep the young people apart. Some schools are also forced to have separate timing for the boys and girls, or girls are not allowed to go to school at all. Even though the frequency of these honour killing is increasing at a rapidly multiplying rate, policies from Haryana refuse to go against the functioning of these courts arguing that these have been set up for the welfare of village common masses.

Keywords: khap, panchayat, gotra

Introduction

Historical background of khap panchayat

The Indian social fabric was organized around the village unit, as civilization shifted from nomadic to settled agricultural practices. Throughout the last few millennia, the society of the Indian subcontinent was organized in various forms, such as tribal, village, monarchical or republican. The mode of governance was that of a council of five, which was called a Panchayat. We find that the republican form of society existed from the most ancient times known to us. In various times the society coalesced around monarchical forms, but the republican societies did not die out. References to the republican sources can be found in ancient literature, some of the most ancient as being the Rig Veda (circa 1500 BCE). The forms of governing society are that of the *Sabha* or *samiti*, which mean "gathering" and "assembly", respectively. The *Sabhapati*, the president of the *Sabha*, was an elected official. The term 'Rajan, Rajanaya' has been taken to denote a monarchical system. This term was also used at that time for the head of the household, who would participate in the 'Sabha' (assembly). In later times this took on a monarchical connotation.

In the texts of Pāṇini and later Buddhist texts, references to 16 republics or Great Republics *Janapadas* can be found, with these references dating back to around 600 BCE (conventional dating). References to names of republics such as Mall, Licchavi, Sakya, Yaudheya, Agreya, and so on are made. Indian and Western sources referring to these republics e.g. in the invasion of Alexander (circa 325 BCE) where Alexander comes wars with the Malloi or Malli, Kshudrak,

Paur, Puru, and Kathi republics, can also be found. The republics referred to as the Yaudheyas, Malls etc. are documented as dominating the Northern Indian landscape in what is now Punjab, Sindh, Rajasthan, Haryana and Uttar Pradesh. The Sarv Khap (or all Khap) Panchayat (council) represented all the Khaps. The individual Khaps would elect leaders who would send delegates, who would represent the Khaps at the Sarv Khap level. It was a political organization, composed of all the clans, communities, and castes in the region. The republics of the Yaudheyas who dominated this region from 600 BCE to 400 CE preceded it. They had there a similar system of governance, and their coins and seals are found in this whole region, Rohtak Haryana was one of the capitals and a major coin mint ^[5].

After the fall of Kushan Empire northwest India was divided into small republics. These small republics could not defend against invaders. So there were formed federations of republics known as *Ganasanghas*. One such *Ganasangha* was on the banks of Sutlej River. Another *Ganasangha* of Arjunayana was in the region between Agra and Bharatpur. Dr Budh Prakash says that the Yaudheyas are related with present Dahiya clan and Arjunayana *Ganasanghas* were the present Joon clans.

What is khap?

A Jat social structure in Haryana, U.P and Rajasthan a Khap is a cluster of several villages and caste. Organized through clans and gotras, they uphold social norms in the community. While they might have provided a kind of rough justice once, they are a terrible force for villagers and towns people, who

have a no option but to endure the pronouncement despite the fact that they have no legal justification. Marring within one's gotra (or a set of gotras) is one of the worst fears in this set-up a profoundly destabilizing force, for which khap panchayats (community courts) reserve the most dreaded punishment, including death, exile and absolute social stigma. So far, this system of medieval oppression operated with near impunity, given its grip over much of Haryana's traditional society.

One major hurdle has been the way public officials are reluctant to take on the system, accepting it as a custom a way of life in the region.

Law makers and enforcement officers condone the criminality of such actions ignoring the violent women hating nature of the khap's dictums. Intimidation is easily punishable under the I.P.C. and those who provide it support can be booked for criminal conspiracy. In fact, the worst betrayal is political because caste solidarity feed into their vote banks and real Panchayat Raj institutions remain weak. The Haryana under the Prevention of Unlawful Activities Act 1967 arguing that such a 'rash step' would destroy law and order.

However, after the Haryana High Court took a strong view on the matters district administration have made some changes in 2010 suspending a couple of revenue officer in Rohtak (Haryana) for participating in a khap panchayat which declared married couple brother and sister.

Some facts of khap panchayat

1. A Khap Panchayat is usually a collective of at least 12 or more village's panchayats.
2. The five biggest Khaps in Haryana are Palam, Sonipat, Hissar, Jharsa, and Jhajjar. Each of them 360 villages under it.
3. Large Khap bodies, such as the Palam one are made smaller Khaps such as the Meham Khap which has 24 villages and Dalal Khap which has 84 villages under it.
4. The khaps are active in Haryana, Rajasthan, U.P. and Punjab states with a sizeable jat population.
5. There is one Sarv Khap in the country, which includes all the khap panchayat.
6. The Pardhan of each Khap Panchayat is elected in an informal meeting held by the elders of a Particular Khap. There is no formal election.
7. Jats believe that Khaps were constituted during the reign of King Harshvadhan in 7th century to consist him with managing his empire.
8. The Khap are different from village panchayats, which are legally elected under the Panchayati Raj system. Technically, each village has two panchayats the legal panchayat and the other, an informal panchayat whose members go on to represent the village in khap panchayat.

Ascending to survey done by the Delhi based Indian Population statistics Survey (IPSS) in mid 2007. In almost 655 homicidal cases have been registered as Honour Killing, while in Punjab and Delhi is 32% and Muzaffarnagar the worst affected district in U.P. 25% honour killings have registered so far around 700 females are killed every year in honor killing.

Honour killings and khap panchayats

The cases of honour killings have been reported from across

the country. The problem in the recent times has been increasingly reported from Haryana and Western Uttar Pradesh. In this region the Khap Panchayats have been in the forefront and have been issuing illegal fatwas. Most of the *khap* panchayat diktats are against couples who are not from the same *gotra*. In fact, not more than one case of honour killing has been of a couple within the same *gotra*. By creating the false impression that all marriages of choice between young couples are incestuous, what the *khaps* are actually opposing is the right to choose a marriage partner. Even after the judgment in Manoj and Babli Case by a Karnal Court in which five people were awarded the death penalty the diktats of such Khap Panchayats have increased and have become more and more organized. The killings are increasingly being reported and being glorified by such community groups. The Khaps are defiant and unrepentant. They just refuse to acknowledge the Rule of Law.

There is clearly a long way to go before the rule of law can be enforced across India in the teeth of deep-rooted social oppression and prejudice and ideas that have come down generations. It will take time before constitutional and legal equality and democracy can translate into genuine social democracy on the ground.

In July 2006, the Supreme Court of India termed the practice an act of barbarism. It ordered the police across the country to take stern action against those resorting to violence against young men and women of marriageable age who opted for inter-caste and inter-religions marriages. In the case of *Lata Singh Vs State of Uttar Pradesh and others (2006 (5) SCC 475)* the apex court directed : "Since several such instances are coming to our knowledge of harassment, threats and violence against young men and women who marry outside their caste, we feel it necessary to make some general comments on the matter. The nation is passing through a crucial transitional period in our history, and this Court cannot remain silent in matters of great public concern, such as the present one. The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation untidily. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or interreligious marriage. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple are not harassed by any one nor subjected to threats or acts of

violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. We sometimes hear of 'honour' killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honorable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism".

On June 23, 2008 *Justice K.S. Ahluwalia of the Punjab and Haryana High Court* made a revealing observation while simultaneously hearing 10 cases pertaining to marriages between young couples aged 18 – 21: "The High Court is flooded with petitions where ... judges of this Court have to answer for the right of life and liberty to married couples. The State is a mute spectator. When shall the State awake from its slumber [and] for how long can Courts provide solace and balm by disposing of such cases?"

On June 22, 2010 the Supreme Court issued notice to the Central Government and nine states in the face of rising Honour Killings across the country on the Public Interest Litigation filed by Shakti Vahini. The court wants to know what steps are being taken to curb such violence^[1].

In *LATA SINGH V/S STATE OF U.P.*, The Apex court held that we sometimes hear of honor killings of such person who undergo inter caste or inter religious marriage of their own free will. There is nothing, but barbaric and shameful out of murder committed by brutal, feudal minded person, who deserve harsh punishment. Only this way we can stamp out such acts of barbarism the bench of Justice Ashok Bhan and Markandey Katju said. In our opinion such acts of violence of threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country and once a person becomes a major he or she can marry who so ever he or she likes. If the parents of the boy or girls do not approve such inter caste or inter religious marriage the maximum they can do so is that they can cut off social relations with the son or daughter, but they cannot harass the person, who undergoes such inter caste or inter religious marriage^[2].

Effect on the society

The khap has been a system of social administration and organization in the north western states of India since ancient times. Written references are found as far as far backs as 2500 BCE. During and since that time there has been shift from nomadic way of life to settled agricultural practices. From this time on, the Indian social fabric was organized around the villages unit and the mode of governing was often that of a council of five which is called Panchayat. Khap is a term for social-political grouping and used in geographical sense. A unit of seven villages called Thamba and 12 Thamba would form the unit of 84 villages, a khap together.

However, there are also khap of 12 and 24 villages. Their elected leaders would determine which units would be represented at the khap level. These khap are spread all the way from north- west India down to Madhya Pradesh, Malwa, Rajasthan, Sindh, Multan, Punjab, Haryana and modern U.P.

The Sarv Khap panchayat represented all the khaps. The individual khaps would elect leaders who would send delegates who in their turn would represent the khaps at the sarv khap level. It was a political organization composed of all the clan's communities and caste in the region.

In the 14th century, the upper caste jat used this system to consolidate their power and position. Now days the khap panchayats still exist although, their ruling has no legal validity. They are very powerful and are successful in keeping with their so called traditions. The khap panchayats oppose and annul marriage within the same 'gotra' (lineage) and administer cruel and inhuman punishments to erring couples and their families.

Originally the reason for prohibiting these kinds of marriages was that they wanted to lower the number of children born with birth defects. Although, this is no longer an issue. The term Gotra is a Hindu word for lineage which means the descendants of one individual.

Originally there were 7 gotras Vishvamitra, Jamadagni, Bharadvaja, Gautama, Atri, Vasistha, Kashyapa and Agasthya which was later included in the list. The ramification of the gotras took place according to the needs in the later stages as the population proliferated. In Hinduism one cannot marry into one's own gotra as the people of same gotras considered to be brother and sister.

However this rule is not enforced in south India and one can marry into his/her mother's gotra. This is not allowed in north India. The system which is fast losing its value in metropolitan and urban areas due to modernization is still prevalent in many rural areas. Recurrently the khap panchayats and their leaders are seen as protectors of the poor but in fact are aggressors towards these under privileged couple's families. Instead of helping them they try to impose their judgments on them. Their tray is mostly felt in traditional ruler habitations since very little or no case has been reported from urban areas. Their autocracy is specifically evident in the sarv khap of Haryana which influence extended to the Malwa province in central India, Rajasthan and Sindh. The khap panchayat have a great effect on the people's life and the society in a whole. These effects can be either of political, social or economical nature.

Politically

Violation of the gotra rules usually invites death for the offending couple while family member are ostracized. It has served as a motive to terminate many young lives either through murder or forced suicide. The mahapanchayat recently justified their action by sending a message to the government and courts saying that the khap panchayat were independent of the laws of the land.

As a result their medieval village level panchayats functions as parallel courts. The government social norms and pronounce verdicts which are in contravention of the modern equitable laws that post- independence. India adopted as a democracy. The khap panchayats take over the authority to act as prosecutors and judges without having legal authority to do so.

Partap Singh a former MLA estranged brother of Ex. Chief Minister Om Parkash Chutala added that in the absence of norms, khap panchayats are playing havoc with the lives of

young couples by issuing diktats at will.

▪ **Socially**

The political and judicial power that the khap have affects the life of many to a great extent. In order to act according to the rules older villages try to keep the young people apart. Some schools are also forced to have separate timing for the boys and girls, or girls are not allowed to go to school at all. 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 panchayat. That girls are seldom sent to schools is especially harmful because education can empower various sections of society and women in particular more than anything else.

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 girls. She is keeper of village honour. Sometimes rules are bending for the boys but a girl is never allowed to be bending the rules. If a couple couples runs away than the families risk a boycott and half fines in lakhs of rupees. Even the other women of the house can suffer abuse.

In generally women are not well off under the rule of khap panchayats. In some other parts of India where there are khap panchayat, women are considered by them as a commodity. The reproductive rules of women are highlighted under this flood. They are not given any rights and expected to obey their fathers before they are married and fulfill their duties as a wife and as a homemakers after they get married women are not allowed to enter forget participate in these khap meetings. Complete exclusion of female counter parts reflects that it is a highly male dominated sphere where women are considered mere objects.

Ironically enough Haryana and Punjab khap leaders who violently prohibit some gotra marriages are from areas in which there is a shortage of girls to marry their sons and they are therefore secretly sourcing brides from Jharkhand and other areas. This is due to a skewed sex ration in the region. Thanks to a highly volatile society thriving on gender discrimination.

▪ **Economically**

As a result of the power of the khap panchayat, Haryana remains completely feudal and patriarchal in terms of attitudes to labors marriage inheritance caste and gender relations. The predominant Jats as a wealthy farming community zealously guard their land female and customs. Exercising control is the key to their social formulation and khap panchayats. Serve as instruments towards this end. They also found in other states harboring jats. For this reasons laborers who do not belong to the jats do not get a chance to develop themselves in economic respects.

Ranbir singh a sociologist who has worked extensively on caste in Haryana gives an interesting explanation for the dominance of khap in Haryana. He point out how holding on to ancient customs slows down economic progress. In a research paper he states “ jats being marginal farmer have not

only been by passed by the process of economic development but have been further marginalized by it. This is because they could not take advantage of the green revolution due to their tiny and uneconomic land holding could not entre modern professions due to a lack of academic qualification and could not take up some other occupations due to caste pride. Their lot has been made even more difficult by the processes of liberalization, privatization and globalization. Their disenchantment with political leadership has made these pauperized peasants look backwards instead of forward.

The influential khap panchayats also affect the local economy in another way. To a great extent the exert control over the labor markets indirectly they have say in who gets what kinds of jobs women are often neglected and do not get a chance to develop themselves or to become finally independent.

Reasons Why Khap Are Powerful

Strikingly enough after all these years the khap panchayat are still very powerful while in fact they have no legal validity why has been done so little to stop them and importantly, why are these terrible things are still happening.

First of all, it is due to inherent weakness of democratically elected panchayati raj institution. khap panchayats have been powerful. Even the government has not done much to control their power because they believe that for any administration to take stream action against khap panchayat would be akin to political subsidies.

Therefore indirectly khap panchayat influence politician to a great extent. The ground reality is that both of the police and gram panchayat either remain silent spectators of a provide passive consent to the inhuman acts. As a result of this policy of this policy of appeasement (of the government towards the khap panchayats) the government failed to implements a uniform civil code as per the constitutional directive. The soporific judicial system only adds to this problem. The nonchalant manner in which human rights are violated in these areas fails to perturb the administration.

To make matter worse family who do try to break free from such abominable acts and rules are helpless as they have to resort even more difficult for the villagers to liberates themselves from the khaps^[3].

Khaps meeting wants same gotra marriage banned

A khap mahapanchayat meeting held in Muzaffarnager has demanded an amendment to the Hindu Marriage Act to ban marriages within the same gotra. The khap council heads in that meeting, which began in Soran villages opposed same gotra marriages and said such relation “will not be tolerated by caste council”. Such marriage would harm brother sister relationship and the Rakhi tradition leaders of Balyan khap council Mahender Singh Tikat said: The heads of the different caste councils from Western U.P, Haryana, Rajasthan and Delhi participated in that Khap Mahapanchayat^[4].

The khap panchayat to oppose amendment in legislation

A body representing caste council of Western U.P, Haryana, Delhi and Rajasthan has said that they will oppose proposed amendment of law to deal with honour killing and will submit a memorandum to the President on issue. The khap panchayats council have demanded amendment in the Hindu

Marriage Act 1955 disallowing marriage amongst the same gotra. The government on July 8, 2010 has decided to set up a group of ministers to suggest changes in the present law and it felt "pressured to move these amendments in the upcoming monsoon session of parliament beginning on 26 July, 2010. The Union Cabinet chaired by Prime Minister Manmohan Singh after it discussed the matter at length also decided to seek the opinion of states.

The amendment that have been proposed aim at bring honour killing under the definition of murder by amending I.P.C. It would also seek to amend the I.E.A. which would bring the onus on khap panchayats to prove their innocence in any such case. The khap panchayats or any group ordering honour killing and any person who carries out the order will be jointly liable for punishment under the proposed legislation. The government also plans to do away with the 30 day notice period under the Special Marriage Act for inter caste and inter religious marriage^[5].

Politician in Favor of Khap

With Jats accounting for over one fourth of the electorate in Haryana politician leaders are openly supporting khaps or caste council in news for their diktats over same gotra marriage. Congress M.P. Navin Jindal not only attained a khap panchayat in Kathal but also lauded these panchayat young they had been rendering yeoman (chotta zamindar) service to the society by resolving people's problems overages. His constituency has a strong presence of the khap and it was Karora village in Kathal District from where Babli and Manoj fell in love and were murdered in a cool blood. Their relationship was not approved as it violated the same gotra norm under which even married couple is declared as a brother and sister. They (khap) are constituents of my constituency and I have to listen to them Jindal has maintained even though he has made it clear that any action which violate law cannot be justified.

Why is the government not helping to curb their power?

The Khap Panchayats have been powerful due to the intrinsic weakness of the Panchayati Raj institutions which are democratically elected. Further, the Jats, who make up 25% of the Haryana's population, are the State's largest caste group, because of which Haryana has become the epicenter of the most horrible form in the rural villages, honour killings. The government has not been able to take proper steps so as to curb this menace. In many villages, because of no legal action against them, the authority of these khaps remains unquestioned. Even the police tend to ignore the khap verdicts, regard the declaration of death for offenders, because of the strong power and influence that these have acquired on people in villages overtime.

The dirty forms it takes - hard core reality of khaps

The hard core reality of the khap can be seen in many of the forms which are being imposed on the people. These include:

1. Female Feticide: Despite the number of articles in newspapers, magazines and spread of awareness at a large scale by volunteers, social activists and government organizations, the female feticide rate is growing at an increasing rate in the whole nation, especially in the north

India, where it stand to be the highest. The cases of female feticide are recorded to be the maximum in the North Indian States of Haryana and Punjab. The sex ratio in these states are recorded to be a shocking figure of 722(females)/1000(males). Boys are comparatively considered superior to girls as per the people who support the practice of female feticide. They believe the girl child to be liability and the male child to be an asset for the family. Giving a birth to a girl child is almost a sin in these regions. So these people resort to killing of the baby girl inside the foetus or the moment a mother gives birth to a girl child, the baby is killed.

2. Honour Killing: Almost all the newspapers are these days filled with the rape or murder of the girls for defying the khap rule of marrying within the same sub- caste. These killings are given shape by the ruthless rules of the khap system which takes away their lives with barbaric ferocity. The female who becomes the victim to it is often raped, stoned, burnt or beaten to death, stabbed, cut at the throat, decapitated, suffocated slowly or even forced to commit suicide. All this is done in the name of honour. The murderers do not feel remorse, instead they defend their act with the belief that they have restored and saved the family's honour which was earlier lost by the girl's actions. Honours and morality are considered to be collective family matters amongst the various religions like Hindu, Muslim and Sikh. These killings have been increasing mostly in village areas like Haryana, Punjab and western Uttar Pradesh.

3. Forced Marriage: A marriage performed by pressurizing one or both the parties and without their free will and full consent is considered to be a forced marriage. The victims of such marriage are forced through coercion, fear, abduction, threat, inducement and deception. A forced marriage can be between people of any age group, children, an adult and a child, or between adults. It is considered to be a form of domestic violence and people falling prey to it have to undergo both mental and physical pressure. At times, they are even forced to leave the country and settle abroad. Even boys and men are made to forcefully marry against their will, so this is not limited to girls and women only. The victims [men and women] of forced marriage experience torture, abduction, threatens, mental and emotional abuses, physical violence, sexual abuse, false imprisonment, murder and at times are even forced to commit suicide^[6].

Khap panchayat norms considered above Indian norms in haryana- the critical case study of ved pal and sonia

Ved Pal who is a medical practitioner used to run a clinic opposite Sonia's house. They fell in love with each other and used to have brief meetings as the girl returned from school to home every day. The girl's parents disapproved of the idea of getting Sonia and Ved married since they did not find him a suitable match. So they chose another groom for Sonia. However, just a week before the wedding, Sonia and Ved Pal eloped and got married in a court.

Both Ved pal and Sonia knew that they belonged to different gotras (sub-castes) and there was no inter-caste wedding between them as both belonged to the same caste, "Jat". So

the couple did not think that because of their wedding, they had caused any dishonour to their families by marrying each other.

But who knew that the dangerous mistake Ved Pal actually made was getting married to a woman of his own choice, who was from an adjoining village. Singwala, which was Sonia's village, shared a boundary with village Mataur, which was Ved's village.

What both of them did not know was the fact that according to the Jat tradition of medieval times, people who lived in adjoining villages or villages which share boundary, were considered to be belonging to the same clan, irrespective of the fact to which gotra they belong, and thus the main rule of brotherhood or 'bhai chaara' applies, which considered them to be related to each other as brother and sister. Marriage between a boy and a girl from adjoining villages is thus against the khap rules, and prohibited by the panchayat, and thus considered to be a 'crime'.

A meeting was held in the village on March 19, 2009, to make the decision of the so-called 'crime' that Ved Pal and Sonia had committed. An emergency meeting was announced by the khap because their wedding was actually considered to be a "violation or dishonor of the caste traditions" by the khap panchayat as said by Paaramjit Banwala, the khap panchayat Head.

According to the panchayat, the marriage of Sonia and Ved Pal was concluded to be 'a grave violation' of the rules that had been committed since both constituted a part of the same clan which includes many families. So they both were "siblings" who could not be married together and by doing this, they had committed a crime for which they had to be punished.

And with this the meeting concluded as the final verdict of the panchayat was announced, which was to sentence Sonia and Ved Pal to death, they have wrongfully brought dishonor to their respective castes.

"If young people live in our society they will have to adhere to and follow our age-old customs. Such relationships are unacceptable at any cost. Jat honour is supreme and must be preserved at any cost," Banwala added this, thus giving justification to the verdict of the khap panchayat. The meeting took place with the Akhil Bharatiya Adarsh Jat Mahasabha (ABAJM), which is an association of Jats coming from all over India.

After the panchayat's verdict, in order to save their lives, the couple ran away and went into hiding. Sonia's parents approached the panchayat for help on June 22, 2009 and requested the family members of Ved Pal to send their daughter home for a few days. They allowed Sonia to go home, but her family never let her come back to her in-laws' place.

Hearing no word of conversation from his in-laws for almost ten days, Ved Pal went to Sonia's village to bring his wife back home with him, but her parents refused to let her go. On July 14, Sonia, through her friends, sent a word to her husband that her family was harassing her physically and mentally, and that her life was in great threat.

Ved Pal went to the court authorities to seek help again. He sought help from the High Court that provided him with police protection to bring back his wife to his home. Getting a

little more involved in the case, the district administration also had by then issued a warning to the villagers of taking a legal action against them if they tried to commit an offence against the couple.

Finally, Ved Pal having the Punjab and Haryana High Court order which permitted him to go and bring his wife without any issues, along with four policemen and a court official, went back to Sonia's village to fetch her back on July 22.

On reaching Sonia's home, her family refused to tell them where they could possibly find her as they kept her hidden so that her husband could not take her back along with him. In the meantime, he saw a mob of almost hundred villagers who were fully armed advance towards him. Ved Pal could easily sense trouble then, and in order to save him, he locked himself in one of the rooms inside the house, but those people along with Sonia's family broke open the door and dragged him out of the room.

The four policemen that accompanied him ran away, as the mob hanged Ved Pal, in front of the villagers of Jind and the court official, thus leading to his death.

Thus even court order and an armed police protection could not help Ved Pal in getting her wife back home, or even save his own life from the wrath of the brutal supports of Khap rules [7].

The increasing cases of Honour Killings in India - till Khaps do them part:

A number of such increasing cases like that of Ved Pal and Sonia have shown the truth of the khap panchayats in India where these notorious khaps have, in one way or the other, indulged in crimes by convincing people on how they have invoked the ire of their respective khaps.

- 1. The case of Monica and Rinku, Haryana:** In the Nimriwala village of Haryana, Monica (18) and her lover Rinku, who belonged to the same Jat community were brutally killed by the girl's father, brother, uncle and cousins, and were hanged as exhibits in front of their house. The family members of the girl gave a shape to this crime under the directions and guidance of the Khap Panchayat. After the murder of Monica and Rinku, the Supreme Court, on June 21, 2010 gave notices, to take action against these rapidly increasing killings, to the Centre, Haryana and six other State governments. But even this had no effect on the situation.
- 2. The case of Honour killing of a journalist, Jharkhand:** In April 2010, in Jharkhand, even a woman journalist was made subject to a ruthless murder in the name of honour. Nirupama, a 22-year old journalist, who comes from a Brahmin family, was in love with a boy from another caste and thus, was brutally murdered in the name of honour. Even a journalist could not escape from this game of crime, then imagine what the girls in villages have to go through every day!
- 3. Spreading its tentacles in south India - the case of Sivakumar and Megala, Tamil Nadu:** The menace of honour killings under the pressure of these khap has undoubtedly spread its tentacles all over India. Yet another story, shockingly from a South Indian State, and not north India this time, in Tamil Nadu, goes where in Shivganga, a 20-year old girl, Megala was told that she could not marry

her lover, 24-year old Sivakumar as they were related and so her family got their daughter married somewhere else in June, 2010 from where she eloped with her lover, ten days after the wedding. The couple was finally traced by the family and Sivakumar was cruelly killed with sickles. The family justified the killing of her lover on the grounds that she brought disgrace to their caste and family.

4. **The case of Ravinder, Jhajjar district:** In the Dhrana village of Jhajjar district, Ravinder Gehlawat had “dared” to marry a girl from the Kadiyan gotra. The norms of Kadiyan khap in 12 villages, which included Ravinder's village as well, considered Kadiyan and Gehlawat to be of the same gotra and of the same family, and thus considered Ravinder and his wife to be related, as according to them they were brother and sister. Ravinder and his family were threatened by the girl's family and asked to leave the village. For this the Gehlawat family had 500 policemen protecting the dozen member of their family but in no vain.

Haryana government still supporting khaps as they provide “dispute redressal”

Though the criticisms against these self-styled khaps by the judiciary n social activists are increasing day by day, the Hooda government and the various politicians in Haryana still favor the functioning of these Panchayats and do not support the campaigns that aim to curb the power of these courts. Even though the frequency of these honour killing is increasing at a rapidly multiplying rate, policies from Haryana refuse to go against the functioning of these courts arguing that these have been set up for the welfare of village common masses. Bhupinder Singh Hooda, Chief Minister, Haryana, who approves of the working of these panchayats as age-old institutions, which have been embedded in the social customs and cultural traditions of the rural India which forms the heritage of the country. For him, these khaps have evolved as an “alternate dispute redressed mechanism and have been traditionally found helpful in maintaining social cohesion.” He even opposes the fact that there is a connection between the increasing honour killings and the Khap System adding, “The assumption that there is always a nexus between the panchayats and the so-called 'honour killing' does not seem to be well founded. In Haryana, there are 20 cases of murder attributed to 'honour killing' registered from 2000 till date. However, these murders are reportedly committed by the family members of the boys and girls concerned and not under the dictates of panchayats. Honour killings are reported from urban areas also where such panchayats are not-existent.”

In April 2011, in Bhiwani, Haryana, two widows were beaten to death while the whole village watched the scene. This was accused to be on the grounds of morality. Not presenting a very justifiable statement and calling this incident to be “unfortunate”, Hooda again remarked that such incidents were common in the villages, adding that though the law and order in the State have improved the situation a lot.

Anupam Gupta, a noted social activist and lawyer opposes the Haryana government's statement. He believes the khap system to be solely responsible for this ever increasing rate of honour killings and adds, “Haryana's argument that there is no nexus between khap panchayats and honour killings is open to

serious challenge. Khaps have definitely cast their pall of terror in many parts of the state. To acknowledge only the murder of an individual, but to shut one's eyes to the forces behind the murder, clearly betrays lack of will in combating these forces. It is impossible to curb honour killings today without confronting the khap panchayats ^[8].

Supreme Court's criticism on khap panchayats - calls them “barbaric and illegal”

On April 19 2011, Supreme Court wants a strict criminal action against people forming and ruling in khaps, emphasizing that the khap panchayats are illegal and the honour killings they enforce to be “Barbaric and shameful”, along with demanding action against the police authorities and bureaucrats who fail to prevent them. According to Supreme Court, these khap panchayats encourage honour killings or other atrocities in an institutionalized way on boys and girls belonging to different castes, which have been married or are going to get married. On grounds that these khaps interfere with the personal life of the people, Justice Katju said, “Atrocities in respect of personal lives of people committed by brutal, feudal-minded persons deserve harsh punishment”.

Even after the continued cruel practices of these khaps for long and the crucial judgment by the Supreme Court, the heads of these panchayats have disapproved of the decision of the Supreme Court and said that they have been denied justice. The supporters still stick to their view that these Khap Panchayats have been there since time immemorial under which laws have been formed by their forefathers for their own benefits and protection, and that the khaps do not aim to and nor they have harmed anyone. Even the Chief Minister supports this view. The Khaps thus decided to file a review petition in the apex courts after hearing the statement of the Supreme Court ^[9].

The dirty shape it is taking -criticisms of khap panchayat

In States where the various brutal murders in the name of honour are seen, which include North Indian states like Punjab, Uttar Pradesh and especially Haryana, there has been no doubt a rapid capitalist transformation, but here is a catch, that this has been coming up with the regressive feudal perception. Though there is a rapidly spreading awareness amongst the dalits, women and backward sections, regarding education and politics, but side by side there is a huge consolidation and strengthening of the khap panchayats in protecting the status quo. It has been observed that these totally unconstitutional khap panchayats have many a times declared verdicts which publically defy the law of land. The issuing of illegal diktas, attacks on young couples in the name of honour, molestation of the Dalits and people with progressive minds have been increasing manifold.

These cases have been most rampant in the state of Haryana, which is geographically a small state, but still comprises of people from different societies and cultures, which makes it heterogeneous. Even in this state, in some specific areas, intra-gotra marriages and marriage of a man and woman belonging to the same village is considered right. In contrast to this, such weddings are considered to be a criminal offence in certain other areas. Even the khap panchayats do not exist all over the state, but are a dominant feature of particular areas, especially

villages. It can be clearly concluded that while half of the people in the State represent the law abiding citizens not involving in any kind of customs and traditions, while the other half just stands in contrast, which has evolved greatly to the brutal killing of those who defy their caste laws, not taking in consideration the laws of the land.

Demographically, Haryana is the State with the second largest per capita income of the country and on the other side; it is one of the states with the lowest sex ratios in the country, 821 females per 1000 males. The khaps that have settled in these states have not even once gathered to discuss such grave issues as female foeticide or dowry or even honour killings- the problems of the State which actually need to be looked upon. Rather, it is these khaps only which have encouraged such malicious practices.

In the Kaithal district of Haryana, Manoj and Babli who got married against the khap panchayat's order in June 2007 were persecuted on the orders of Khap panchayat and this persecution was even supported by the family accusing their relationship to be incestuous. The couple had to seek local court's help for providing them police protection, despite of which they were kidnapped and killed and their dead bodies were found floating in a canal after a long time.

In this case, a landmark judgment was made when five people accused of killing the couple in the name of honour were sentenced to death. The Court even made sure that they took serious action against the policemen deployed for the security of Manoj and Babli who were actually equal partners in crime for facilitating the accused in committing the crime. This court verdict left the panchayat leaders in shock, since they were reminded that their brutal killings were so not supported by the law of land, and that they were not above the Country's Constitution.

After the final judgment in the "Manoj Babli honour killing" case, a sarv khap panchayat meeting was called on April 13 in Kurukshetra, where all the Jat people from the States of Haryana, Uttar Pradesh and Rajasthan decided to fight for getting a legal status for the khaps, their rules and decisions. Here, they aimed to demand amendment of the Hindu Marriage Act, 1955 that would ban marriages within the same gotra, thus serving the purpose of the khap panchayats.

However, a shocking side to this is that though the khaps resort to honour killing when the boy and girl belong to the same gotra, but actually very few cases of honour killing have been due to intra- gotra marriage. This means that the khaps create a false impression and frame fake reasons to make the couple and their family believe that the marriage is against their norms on the grounds of the boy and couple being related in one way or the other, where actually what these khaps intend on doing is resisting their right to choose a partner for themselves for matrimony. In many cases in villages like Ludana, Singhwal, Asanda, Hadaudi and many more, wherein the married couples were declared to be related as siblings and suffer harassment, when actually not even a single marriage was among couples belonging to the same gotra.

A sad instance to this has already been discussed in detail about the honour killing of Ved Pal, in which having no reasonable grounds for the verdict, accused him with an absurd code invoked by the khap, which violated the marriage of boy and girl of neighborhood villages, and ended up

declaring them as siblings, giving death sentence to Ved Pal.

The real motive of these khaps becomes clear. Since they ban the people to marry the partners of their own choice on the grounds of their "rules and traditions", this deterrence of their right of own choice marriages actually connects to the rights that women exercise in land and other property of their parents in these areas. Logically, if a woman is married in a village which is far off her own village, the possibility of exercising her rights in the parental property so inherited at her native village also becomes quite remote. So these khap panchayats target the couples selectively, and aim to control the sexuality of women so as to ensure that the property remains within the domain of patriarchal caste, which includes mostly the Jat community of Haryana.

For all those who dare to raise their voice against the illegal and unethical practices of khap panchayats, these khaps lead to the social boycott of these people. A former police officer in Haryana, who was also a caste leader in the khaps, threatened the people who criticized the existence and functioning of khaps. This has to be a full exploitation of people where a former police chief threatens the citizens who abide by the laws of the country, and yet he remains enjoying the hefty perks and pensions he gets for being a "public servant"!

These caste panchayat leaders have even planned to suppress any voice of assertion from the people belonging to backward classes. In Mirchpur Village on April 21, 2010; these khaps burnt down more than 20 houses of Dalit colony, in the presence of a police force, in which an 18-year-old handicapped girl and her ailing father died. The Supreme Court however, took a strong view of khap panchayats for troubling the dalit community in the state of Haryana. Afterwards, the khaps resorted to agitation and blocking traffic for 11 days, issuing an ultimatum to the government for the release of the accused persons, whom they declared to be innocent.

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