

An Appraisal of Khap Panchayat: Issues and Concerns

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Abstract: *Unconstitutional and independent social-political group, Khap usually made headlines because of its non-legal decisions in race, love marriage and honor killing, but this highly influential independent body, in Haryana had an influence in state elections. Politicians approach them, with hope to get the votes of the entire community. Politicians do not want to ignore them as they know that can cost them precious votes. And the Khap also managed to get political and administrative support for its all acts if required. The power of Khap Panchayat exists parallel to the political power of the state. This paper is based upon the role of Khap Panchayat in politics and an effort to evaluate the stand of Khap Panchayat, which they are taking to make their presence in Indian politics.*

Keywords: Khap, Elections, Political support, Power, Women Khap, Khap vote bank, Political affiliation, Khap decisions, Khap relevance, Opinion leaders, Domination, Emergence.

1. Introduction

Khap is a community organization representing a clan or a group of related clans has a great effect on the functions of the particular society. The sense of community feeling, cooperation, a traditional value system and the feeling of togetherness provide the main strength to the Khap Panchayat. [1] Earlier and now the main role of the Khap is maintaining peace and harmony between their community and the whole community give respect to their top leaders, and all believe in them. It means the top leader's decision matters to all of the society members. The sheer indifference of politicians and vote-bank politics allow the Khap panchayat's writ to run amok. And because of that No political force can ignore the influence of Khap, as often at the time of elections an unofficial message goes down from the top leadership for supporting or not supporting a particular party or leader [2]. Although most of the Khap do not officially come out in support or against any political party, but they send messages to their people for voting in favour or against someone. Lately they have emerged as quasi-judicial bodies that pronounce harsh punishments based on age-old customs and traditions, often bordering on regressive measures to modern problems. 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 panchayat are prevalent in Haryana, western Uttar Pradesh and Parts of Rajasthan. Love marriages are considered taboo in areas governed by Khap panchayat. 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 panchayat have been powerful. Even the government has not done much to control their power.

2. Historical Background

The exact origin of Khap Panchayat is till date not known but is believed to start back in 600 AD. In ancient times, during the time when man was living a migratory life, and man was heading towards civilization and better standards of living. Even after this rapid modernization and civilization, a lot many villages and tribes continue to exist in all parts of India, which have their own customs and traditions and different activities to deliver justice to their people. Sometimes, there is a council of five people of the elder class of the village for the matters of justice, which is called "Panchayat". Sabha or Samiti, i.e., gathering or assembly are the forms of governing society in the village. The "Sabhapati" was elected, who is the president of the Sabha. And the Khap Panchayat is the union of a few villages, which has covered areas and organizations in the north western Indian states such as Haryana, Rajasthan and Uttar Pradesh since ancient times. This political and social unit has been believed to be a group of 84 villages. And the "Sarv Khap Panchayat" is a term used for all Khap. Every individual Khap elect their leaders who choose delegates to be sent to the Sarv Khap level to be represented as Khap there. Since it is a socio-political organization, it consists of the clans or sub-castes, castes and communities at the regional level. Across Rajasthan, UP, Haryana and Delhi there are over 600 Khap, and of those, around 106 are in Haryana alone. Khap are nothing but a cluster of villages and though they involve people of all castes, sometimes they are based on castes. For example, several of the 106 Khap in Haryana are only of Jats [3]. The 10-15 men who constitute a Khap settle disputes and control the lives of young people. Many village people also defend these caste panchayat as they deliver the verdict in one sitting whereas court cases drag for years. According to them, in many cases innocent people get harassed in the court and by police. Here as

everyone is known so they cross check everything to ensure neutrality.

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 bending for the boys but a girl is never allowed to bend the rules. If a couple runs away, then the families risk the boycott and hefty fines in lakh 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 panchayat.

3. Ideologies and Dominations

The Khap panchayat is an assembly of elders in Haryana who belong to the same clan or caste, overseeing community affairs across villages, from settling disputes over water sources to deciding on the sanctity of marital unions. The smallest Khap panchayat could be presiding over half-a-dozen neighbouring hamlets and the largest over 360 villages. The Khap panchayat have been declared illegal and unconstitutional bodies by the Supreme Court for their alleged encouragement of honour killings, but they continue to hold sway in parallel with the state machinery and are perhaps more powerful than the elected panchayats.

However, there have been many incidents, which clearly depict the ideology of the Khap Panchayat, for instance, horror killing female foeticide, forced marriage, and Sagotra marriages are those matters where the strict and forceful decision of Khap is different from the law and the other communities across India [4]. They impose self created norms in the name of morals and values of society. And because of their domination there left no option for victims expect of following these unlawful decisions. Reason is clear as the Khap Panchayat have acquired so much of dominance in the society that even big politicians are dominated by them. Initially with the aid of the politicians and the male dominance in the society, the reach of law and order was minimum in such backward areas. Hence, despite of various laws, the Khap Panchayat was executing people. There are ten to fifteen people constituting Khap Panchayat, who control and make the decision on the lives of the people. Many people from the village also support these Khap because of their efficiency in delivering the verdict in a single sitting as against court cases which stay on for many years. These people possess undeniable faith in the decisions of Khap, since everything is cross-checked to ensure there is neutrality in decisions, and so they can survive from courts where innocent people become subject to harassment of the police sometimes. [5]

4. Unconstitutional Power of Khap Panchayat

There is no doubt that Khap are undemocratic and are a parallel system within a system, there are various social and political reasons, because of which the Khap have become stronger. *The social reasons* such as the existence of similar Panchayat in neighboring villages, feeling of brotherhood among members of the same clan, friendly relations within the villages, whereas *the political reasons* like, conversion of Khap into vote banks and the failure of the political and local legal authorities, to raise the voice against Khap. [6] The Khap are the part of the social system in rural India, dominated by the upper castes of the society. But if each caste and community will have their 'judicial' Panchayat then there is nobody who can save our country. [7] The political parties do not have the courage to speak against these organized gangsters of caste. The tragedy with India is that Indian state and its secular constitution have virtually become prisoners of these Khapists everywhere. A strong political action is only possible when all the political parties agree with the common programme of fighting against injustice. [8] Political will to implement the constitution and rule of law so that these unconstitutional and parallel structures do not weaken our democracy. [9]

Haryana's injustices are legitimized by the Khap. When the Dalits were being killed, it asserted its own identity in the name of Gotra as it justified honored killings. It is the state where Honored killing are rampant, Khap as a unified social unit are the backbone of spreading caste hatred and denying justice to the people. If the powerful social mobilization in the name of Khaps were not there, we would have seen the culprits being brought to book after initial protests and media uproar in Delhi. But since the Khaps are the backbones of injustices in Haryana and it try to give an ideological-spiritual slant to the misdeeds of the upper caste goons and violators who perpetrate a crime and must be prosecuted in the due court of law. That way, each activity of Khaps is anti-constitution and hence the constitutional framework must be strong enough to deal with these undemocratic institutions which want to create a parallel administrative judicial process. When the rape cases against Dalit women increased in Haryana, the Khap Panchayats blamed it to the victim themselves. 'Government must ban fast food, noodles, as it is increasing 'libido' among youths which they cannot control and hence rape. Can there be a bigger joke than this. A Khapist gave an argument that the girls must be married at the early age so that they are 'protected' by their families. How are they protected by families and why has protection of a woman depend on her marital status. What happen to women who are violated in marriage? The recently passed Child Protection Act says that any sexual relation with a person below 18 years of age would be considered as 'rape'. In the Khap scheme of things which is actually based on the principles of 'Manu Smriti', a woman has no independent identity and therefore talking about their rights over their bodies, sexuality is against our 'culture'. Like any other prosecutors in public these days, the Khap also put onus of proving yourself as innocent on the victim itself. Hence, if a woman is violated, it is she who has to respond to all vilification and slur being carried out in her village. Khap have successfully isolated people who did not agree to their diktats and many places were responsible

for killing of innocent lovers who fell in love. The state apparatus is virtually dysfunctional in the villages and it is difficult for people to get justice. They have successfully halted all the proceeding against criminals and have not come out against them openly. Similarly, we have seen how the Khap are silent on the rapes? Why the Khap don't bring out a Fatwa against the perpetrators of such crime? The same people who would use the identity and caste card to isolate the marginalized communities. The Khap have been voraciously opposed to inter caste marriages and thus 'protecting' their 'purity' of 'caste' as ascribed by Manu Smriti.

It is no secret that Khap are undemocratic and are a parallel system within a system. If each caste and community will have their 'judicial' Panchayat then there is nobody who can save India. The political parties do not have the courage to speak against this organised gangsters of caste. The tragedy with India is that Indian state and its secular constitution have virtually become prisoners of these Khapists everywhere. The state apparatus is non-functional as Khap has become the biggest strength of the criminals and hence it is they will provide life line to Khaps with active support of the political parties. Haryana has failed to provide protection to Dalit women from these criminals under protection from Khap as the Khap is a cover to all the misdeeds of the upper castes particularly Jats. A crime does not become 'noncrime' just because it is organized and a caste Panchayat has given it a different color. Such identification of crime based on your identity is a dangerous precedent and will ultimately damage the Indian state.

It is ironical that the Haryana, Western Uttar-Pradesh and Punjab were influenced by the Arya Samaj which many of the Hindus claim to be a reformist movement. It is these areas where economic boom reached first and 'green revolution' opened up door for the farmers to become bigger. Why then these areas are socially criminal in terms of social inequality, crime against Dalits and women? This is a serious question and probably activist will find as whether the reform movement of Dayanand Sarawasti here made the people gang up against Dalits and made them believe in Aryan supremacy. Haryana has become a lab for these unconstitutional Khaps to spread their vicious agenda and provide a social cover to those rapists, killers in the name of honor of the community. A strong political action is only possible when all the political parties agree to the common programme of fighting against injustice. Political will to implement constitution and rule of law so that these unconstitutional and parallel structures do not undermine our democracy. It is a wakeup call as caste panchayat are growing phenomena everywhere and have got sanctity from those who use identity as a card to justify their crime. Secular India needs to dismantle these caste panchayat or isolate them.

5. Liaison of Khap Panchayats and Politics

(i) *Vote Bank Politics Boost Up Khap Panchayat*

The strength of the Khap Panchayat lies in the weakness of the political parties. Major political parties of Haryana, have no hesitation in wooing the Khap Panchayat, which continue to have considerable influence on the voters in the Jat

dominated areas of Haryana, for getting electoral support. And it has seen that some of Khap leaders have motivated their supporters to give a vote to a particular party. That is why Khap influence has been increased. [10]

And the impact of Khap on the current politics of Haryana cannot be denied and political parties also try to keep their relationship smooth with Khap leadership to ensure their votes. The role of a Khap head becomes crucial during elections, when leaders of different political parties contesting the polls, attempt to influence voters. Khap heads frequently give their advice on that. Rounds of discussions take place in their meeting spots. [11]

(ii) *Khap Heads as Opinion Leaders*

An opinion leader is a well known individual or organization that has the ability to influence public opinion on any matter. Similarly the Khap heads also play a role of opinion leader to help people to select a valid candidate during elections. And that's why Sometime Khap heads avoid giving direct advice to people, [12] they attempt to read their minds during discussions. This helps them in setting their clan's mood for a party. In such situation Khap heads act as opinion leaders for their respective clans. Youngsters respect them too. Despite having exposure to multiple media platforms, the word of the elders matters to the young generation. And this is the reason, that political parties cannot lose the chance to attract them. [13]

6. Recent Advancements

(i) *Relevance of Khap in Politics Of Haryana:*

Past records revealed that the congress and Indian National Lok Dal have taken advantage of Khap votes. Among them Congress gain more. But this advantage comes to an end in the Haryana assembly elections in 2014. And the Congress appears to be out of favour this time. Because the Khap were in anger over growing unemployment, rising corruption and the worsening conditions of the farmers, who feel cheated for selling their land to corporate houses at low prices. Congress Leader and Former Chief Minister of Haryana Bhopinder Singh Hooda, himself a Jat, had to face the anger of his community at some places for having favoured only the Rohtak district to which he belongs. Hooda, who was facing a strong anti-incumbency wave, couldn't win the hearts of Khap this time. And this anti-incumbency factor benefited Bharatiya Janta Party in State elections. As like most of the other communities in state Khap also preferred to give their precious votes to some of the candidates of Bharatiya Janta Party. [14]

(ii) *Political Affiliation of Khap Leader's In Haryana:*

Although some of the Khap leadership is strongly opposed to their move on the political ground they think that they are a social and as such a non-political body and entering politics is against their basic norm, custom and traditions. But the trend has been changed now and Khap leaders are also taking participate in political activities most likely in elections.

The three major Khap leaders from Haryana who took participated in the assembly elections of 2014. Head of Gathwala Khap Baljeet Malik had been fielded by the

Bharatiya Janta Party from Baroda assembly seat and was defeated by Congress Candidate Sri Krishan. While Shamsher Kharka, chief of Meham Chaubisi Khap, had fought on the Bharatiya Janta Party ticket from Meham seat in assembly elections and he also was defeated by Congress Candidate Annad Singh Dangi. Kharka had unsuccessfully contested Lok Sabha polls on Indian National Lok Dal ticket from Rohtak. Here he was defeated by former Chief Minister Bhupinder Singh Hooda's MP son Deepender Singh Hooda. On the other side Kandela Khap head Tekram had been trying his luck as an independent candidate from Jind. Although Tekram made attempts to get Congress ticket, but could not succeed. Hence, he jumped as an independent candidate in assembly elections and remains unnoticed by voters. [15]

(iii) Political Participation of Women Khap Leader's In Haryana

In modern times where the societal norms are constantly changing, the situation of women has also been changed in Khap [16]. Khap women are now seen activated in outdoor chores. And the big change between them is their involvement in politics. As well as male participants women Khap leaders also took participated in assembly elections 2014, Santosh Dahiya, an educationist and the president of the Sarv Khap Mahapanchayat women's wing, who until now had said she was committed to only social causes and had no political ambitions, become an official candidate of the Indian National Lok Dal from Beri. She also ran an intense campaign against veil system to motivate women to remove their veil. During her school days, Santosh was declared best swimmer in a state-level competition. Later, she also participated in university-level tournaments of volleyball. She is a Professor at Kurukshetra University and is also the president of the Haryana Women Boxing Association. She came into news when she was nominated as the founder president of the women's wing of Haryana Sarv Jat Sarv Khap Mahapanchayat at Kurukshetra in 2009. Even he had already initiated a signature campaign against female feticide. She frequently says as she does not want to become just a political leader, but would try to use this platform to raise the issue concerning women. Although she could not win the election but her campaign did not stop. [17]

Another is Sudesh Chaudhary, who first came into the headlines when appointed first woman president of Hisar's Satrol khap that has influence in 42 villages, and second when she joined the Bharatiya Janata Party after failing to get the Indian National Lokdal election ticket for Badli. She had joined the Indian National Lokdal in 2002, Later shifted to Bharatiya Janata Party.

7. Marriage Norms, Notion of Honour and Khap

Over the past few years, the institution of marriage is undergoing tremendous change. Marriage remains universal and nearly compulsory both for boys and girls as this is an indicator of one's overall position in society. In case of females, marriage is considered important especially for protecting their sexuality and family honour. In case of men too, marriage is important as it is linked with reproduction,

their masculinity and having control on their wives and children. Haryana is fast urbanising, with extensive consumerist culture and individualism; education being emphasised for employment and marriage in better status families particularly in case of girl's marriage resulting into higher age at marriage, changing family structure from joint to nuclear, where everyone would like to have one's own independent unit. The sex ratio scenario in Haryana shows disturbing trends. Census 2011 has shown sharp decline in child sex ratio (830 girls per thousand boys). The daughter aversion and son preference is expressed through rampant use of sex selective technologies leading to abortions, neglect of female child and female infanticide. In terms of economic development, Haryana is one of the most developed North Indian states but acutely lagging behind in social development as reflected in rampant foeticides, honour killings, and diktats by kangaroo panchayats and violence against daughters in natal families on the choice of their marriage partners, etc. Khap Panchayats in Haryana are very well known for playing the role of moral policing of the couples who aspire for choice marriages particularly in rural set up. Khaps are the legacies of tribal councils that had been formed by various tribes for the resolution of disputes (Pardhan 1966). Prem Chowdhry (2004) denotes them as caste panchayats. In any case, these are traditional panchayats, patriarchal and revivalist in nature and having no constitutional base; they reinforce traditions and norms especially in marriage practices in rural Haryana. Khaps are either in the name of clan or gotra which is dominant in that area such as Dahiya Khap, Hooda Khap, and Gathwala Khap or by the name of geographical area such as Meham Chaubisi of 24 villages around Meham in Rohtak district and Bawal Chaurasi of 84 villages around Bawal in Rewari district. Though these Khaps claim to be multi-caste where they have representatives of all caste groups including Backward Castes, Scheduled Castes but in actual practice these Khap are represented by Jats only.

From 2009 to 2014, there were 13 reported cases in Haryana where couples had intended to marry against the wishes of their parents but these alliances were treated as serious violations. Both the boys and girls were in the age group of 19-23 years and studying in colleges. There were seven cases where the girls belonged to higher castes such as Brahmin and Jat who wanted to marry boys from Chamar and Dhanak castes. The girls were killed. In four cases, Jat girls intended to marry Jat boys from adjoining villages, where marriage alliance were prohibited; instead these girls were married immediately with suitable boys from their own community. There were two more cases where Jat boys married girls from Punjabi community and Dhanak (S.C) caste respectively. They were excommunicated and not allowed to enter the village. It has been observed through field survey that Khap have their presence shown in terms of important decisions and restrictions imposed on marriage. On asking the role of the Khap, it was noted that across caste lines people do respect these Khaps. 'Khaps have always played a positive role in maintaining harmony, solving marriage and property disputes', stressed an elderly man aged 70 years from Jat caste. It shows that the Khap Panchayats are manoeuvring influence in rural Haryana on issues of day to day life. This is in a way an attempt to create

space and legitimacy for their unconstitutional and revivalist actions.

8. Case Study

The Manoj–Babli honour killing was the case of honour killing of Indian newlyweds Manoj Banwala and Babli in June 2007. It is known to be one of the successive court case which historically convicted defendants for an honour killing. The individuals involved in the murder included relatives of Babli. The grandfather, the brother, the maternal and the paternal uncle and the two cousins of the Girl are said to have been a Khap leader. Also the relatives of the Boy, Manoj, especially his mother, strongly defended the relationship.

The killing was ordered by a *khap panchayat*, a religious caste-based council among Jats, in their Karora village in Kaithal district, Haryana. The *Khap* passed a decree prohibiting marriage against societal norms. Such caste-based councils are common in the inner regions of several Indian states, including Haryana, Punjab, western Uttar Pradesh, parts of Rajasthan and Bihar, and have been operating with government approval for years. In any event, the state government expressed no concern about the ruling of the *khap panchayat*.

The Khap panchayat's ruling was based on the assumption that Manoj and Babli belonged to the Banwala gotra, a Jat community, and were therefore considered to be siblings despite not being directly related and any union between them would be invalid and incestuous. Nevertheless, the couple went ahead with their marriage, following which they were abducted and killed by Babli's relatives.

In March 2010 a Karnal district court sentenced the five perpetrators to be executed, the first time an Indian court had done so in an honour killing case. The Khap head, who ordered but did not take part in the killings, received a life sentence, and the driver involved in the abduction a seven-year prison term. According to the then Home Minister P. Chidambaram, the then UPA-led central government was to propose an amendment to the Indian Penal Code (IPC) in response to the deaths of Manoj and Babli, making honour killings a "distinct offense".

On the contrary, at the height of this case, when the Khaps threatened to disrupt law and order in Haryana, if the masterminds behind the killings were arrested, they got their first taste of the political clout they have come to wield. A helpless administration watched a succession of Khap panchayat being held in support of the killers. But the adverse publicity that the Khaps got as a result of their support for honour killings triggered some course correction and there is now, a conscious effort to refurbish their much dented image by projecting a socially responsible façade. But this change is more cosmetic than fundamental.

9. Conclusion

The illegal and Unconstitutional power of Khap is not enough to survive in the present scenario and because of this

reason Khap are seeking for political power and showing their interest in politics. Supporting any political party is an indirect support for them, but entering in direct politics can make them more powerful. Khap are always blamed for its unlawful activities, Many a times questions have raised on its decisions, its unconstitutional structure was about to get in trouble. To get rid of these troubles Khap always needs a political power. And on another side Politicians and leaders have the fear of losing votes of the Khap community, as it has great influence on Jat voters. So politicians also cannot ignore them. And this is the reason that Khap cannot be disappearing from this society. The situation at the moment is quite grim and unpredictable as there is tussle between individuals and families and between families and panchayats. In the process, it is the traditional panchayat that exercises its authority in connivance with elected panchayat. It is high time that state intervenes and realizes its responsibility and manages to come out of the shadow of the 'vote bank politics'. It is pertinent for the state to curb the extrajudicial powers of Khaps. There is need to create an environment of dialogue, freedom and gender space to protect individual interests. For this, civil society organizations, academia, activists and media together should take the lead.

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