

Threatening Khap Panchayats and Women



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ABSTRACT

Women do not have independent status and have subordinate position in gender. They also experience social structural inequality and injustice in their day today lives. In order to remove such discrimination their development has always remained a concern to the social reformers and the planners. There are a number of accusations over Khaps to impede the desired progress of women in present times and all such organizations have become an epitome of patriarchy at large. Women are indisputably the mother of mankind and they should have a prevalent place in any society. 'Honour killings' are human-rights abuses, atrocities against women, denial of an individual's freedom of choice, and breaking of the law. As India tries to fly high in 21st century, such disgraceful practices definitely erase its reputation. This article will try to offer some answers and solutions that why do Khaps still exist in these times of formal democracy in India?

Keywords: *Khap Panchayats; women; patriarchy; honour killings; caste; injustice*

Introduction

The Khap Panchayats are village councils usually comprising of 10-15 elderly men from the Jat community that set the rules in an area comprising of one or more villages inhabited by the members of a single clan (caste). A number of Khaps formed a 'Sarva Khap' embracing a full province or state. Their elected leaders would decide which units would be represented at the Khap level.

These Khaps are found in North-western India, primarily in Haryana, Eastern Rajasthan and Western Uttar Pradesh.

Many puts emphasis on that these Khap panchayats were performing in a very positive manner in past and judgments given by them were for a better society. If one supports this constructive approach of the past, question naturally arises: why the same panchayats are giving such regressive opinion now? From where are they deriving so much of power? Why they are not scared of police and law? There should be an end to all this deliberate violation of the basic rights of the people sanctified by the law of the land. Despite of being illegal bodies their functioning openly violating law and order of this country.

However, absurdly these bodies are raising their ugly heads in the 21st century and the governments are not doing too much to curb the menace.

The Khap Panchayats have unwritten laws, and their decisions are clearly illegal and extra-constitutional. The Khap Panchayat is a creation of the Jats. Each caste has a separate caste council and a

leader for every gotra or lineage. Khap Panchayats are one of the most mediaeval groups of elders in rural areas which have got handed down from pre-independence times. It then suited the (British) colonizers that the villages handle their own matters rather than clog the courts. But times have changed.

The educated civil society in India is finding them repelling. But one must not forget these Khap Panchayat murders are also a loss of control over its shrinking pool of women, with sons being preferred. It's impossible for them to digest that women could decide for themselves.

In earlier times, all these Khap panchayats have played a leading role. As they are not elected bodies, their decisions are not supported by law but their terror continues unless they are banned. There is nothing honourable in the killings or inflicting violence on the innocent people. It is very important to punish the people responsible and involved in such unkindly exercise in order to prevent cultural and religious practices that are offensive in nature and abuse human rights and dignity. Therefore, the government and social organizations would have to assume the changing mindset of people.

What is this ideology of honour that approve such violence? An analysis of the ideology highlights it as a gendered notion producing inequality and hierarchy. Both men and women embody notions of honour, but differently. The woman is the repository and the man is the regulator of this honour. Therefore, the greatest danger to the ideology of honour comes from the

woman. One oft-repeated phrase is: Ladki ke saath uske kutumb ki izzat judi huee hai (the honour of every family is connected to its girl). The honour so posited in a woman is importantly located in her body.

A woman dishonours her family by what is considered her shameful physical behaviour. This stretches from observing sharm and lihaz (modesty and deference) to her sexuality. Honour is the overarching concept, which regulates and puts into effect the practice of purdah and its attendant ideology of seclusion as a controlling device. The imagery of blood kinship or bhaichara (brotherhood) virtually excludes women from this powerful and hierarchical biradari.

Women's organisations are decrying the decision of Khap leaders of Uttar Pradesh on discouraging women and girls from wearing jeans as it encourages eve-teasing and sexual harassment. Social activists feel that it is a completely 'Talibani' mindset where women are intimidated even when they are simply stepping out to study or work. It is a strange illustration of moral policing, where the UP Khap Panchayat is discouraging and dictating girls not to wear Jeans.

The panchayat command claimed that wearing of jeans has a bad effect on young women and eve-teasing incidents have increased due to their objectionable clothes. However, there is no logic behind this that wearing of jeans is hardly a reason for girls being harassed as girls wearing traditional Indian outfits have also complained about going through equal instances of harassment.

Today, India is facing a serious clash of generations in the area of marriage decisions. The son bringing in a wife of another caste and without the bride price (dowry) and choosing to live by himself is a serious loss of control and security for advancing years of parents. It is blasphemy of sorts and calls for worst form of reaction - blood bath, death, violence of the most brutal kind, as some of the Khap Panchayats have done of their very own kin. These Khap Panchayats or caste ridden village councils are question of 'dishonor' to the whole community and to retrieve their 'Khap' honour. The disobeying couple has to be killed at any cost and drill home the larger message for others not to dare question traditional control.

What these Khap Panchayats are doing is to put a control on the freedom of adults to choose their life partners and their style of living. Simultaneously they are attempting to control the lives of women, the core of patriarchal politics, a politics which is presented as nationalism and glorious tradition, by those doing politics in the name of religious identity.

The Khap panchayat rather than feeling the guilt and shame of the incident went on offensive and

started saying that those youth going on the path of Manoj and Babli will be given similar treatment. Incidentally before this ghastly incident nearly hundred young couples have been done to death or punished in various ways by these Panchayats. After the judgment they called a bigger meeting and demanded that Hindu marriage law be amended to ensure that people from same Gotra (Sub caste) cannot marry. They are deciding to intensify their agitation.

The brutal murder of Manoj and Babli in 2007 at the bidding of the Khap Panchayat for marrying in the same gotra serves as a grim reminder of this feudal mindset that sanctions violence under the garb of saving the "honour" of the community, caste or family. It has been estimated that at least hundred men and women are murdered or forced to commit suicide every year by the Khaps for not adhering to traditional norms.

In written reply to a question in the House, Women and Child Development Minister Krishna Tirath said, "A Khap Panchayat is a gathering of members of particular caste or clan of village or from a group of neighboring villages and is informal bodies, they don't have legal status." The Supreme Court verdict is likely to send a strong signal to the Khaps, which lay down oppressive writs and generally operate as parallel judiciary enforcing kangaroo court decisions in parts of Northern India. Indeed, there have been several instances in the recent past where the Khaps have been party to honour killings.

The Supreme Court has declared illegal 'Khap panchayats' which often decree or encourage honour killings or other institutionalised atrocities against boys and girls of different castes and religions who wish to get married or have married.

"This is wholly illegal and has to be ruthlessly stamped out. There is nothing honourable in honour killing or other atrocities and, in fact, it is nothing but barbaric and shameful murder. Other atrocities in respect of the personal lives of people committed by brutal, feudal-minded persons deserve harsh punishment. Only this way can we stamp out such acts of barbarism and feudal mentality. Moreover, these acts take the law into their own hands, and amount to kangaroo courts, which are wholly illegal." -

Bench of Justices Markandey Katju and Gyan Sudha Misra

The largest number of cases was found to have occurred in Haryana, Punjab and Uttar Pradesh. In Muzaffarnagar district at least 13 honour killings were reported within nine months in 2003, while more than 35 couples were declared missing. According to one study, Haryana and Punjab alone account for 10% of all honour killings in the country. It is not surprising that no such

category of crimes exists in government records. Most of the cases go unreported and even when reported often FIRs are not filed and post mortems are not conducted. Often enough such cases end up as suicides and fall flat during police investigation for want of evidence.

Conclusion

It is evident that given the shortage of marriageable women in Haryana and Uttar Pradesh, communities, especially the Jats, wish to maintain a tight control over the women. Haryanvi society is in denial over its practice of daughter elimination and acutely low sex ratios point to deliberate and ruthless elimination of female foetuses. Women's groups had been emphasising over the years that the Khap Panchayats and illegal

systems of justice must be banned, and the perpetrators of so called "honour killings" must be punished.

It is about eliminating the constant fear of being killed at any moment by such kangaroo courts even when we are living in a democracy with a fully functional judiciary. In last, the central government has to step in and ensure that the powerful and the retrogressive Khap Panchayats are dealt with firmly. Both the state and central governments need to strengthen the observance of reformed marriage and inheritance laws and stem the exercise of archaic customary law. Doing so will address the twin horrors of female foeticide and honour killings. Equal heritage will lead to equal value of sons and daughters and help in balancing the sex ratio.

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