

KHAP PANCHAYATS: CHANGING PERSPECTIVES

Ms. Sunita*; Mr. Yudhvir**

*Doctoral Research Scholar,
Department of Public Administration,
Kurukshetra University,
Kurukshetra, India.

**Assistant Professor,
C. R. Kisan (PG) College,
Jind, India.

ABSTRACT

Khaph 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 khaph are considered siblings. Khaph panchayat governs the khaph formed by same gotra (clan) families from several neighboring villages. Khaph panchayats are prevalent in Haryana, western Uttar Pradesh and Parts of Rajasthan. Love marriages are considered taboo in areas governed by Khaph panchayats. Those living in a Khaph 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 khaph rules. This paper is based upon the role of Khaph Panchayats and trying to evaluate the position of khaph panchayats that how can they come up in the changing modern society.

KEYWORDS: *Khaph Panchayat, power and position, Society, Caste.*

INTRODUCTION

The Khaph has been a system of social administration and organization in the northwestern states of India since ancient times. Written references are found as far back 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 village unit and the mode of governing was often that of a council of five, which is called a Panchayat. Khaph is a term for a social-political grouping and used in a geographical sense. A Khaph originally consisted of 84 villages. A unit of seven villages was called a Thamba and 12 Thambas would form the unit of 84 villages, a khaph, together.

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

The Sarv Khap Panchayat represented all the khaps. The Khap and Sarv Khap was a system of social administration and organization in the republics of Northwestern Indian states such as Haryana, Rajasthan and Uttar Pradesh since ancient times.

GOTRA

The term Gotra is a Hindi word for lineage which means the descendants of one individual. Originally, there were 7 Gotras - Vishvâmitra, Jamadagni, Bharadvâja, Gautama, Atri, Vasishtha, 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 Gotra are considered to be brothers and sisters. 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.

HINDU MARRIAGE ACT

In Hinduism marriage within the same gotra is prohibited, where a gotra is believed to be the group of descendants of a sage who lived in the remote past. Two persons in the same gotra cannot marry even if they come from different linguistic areas. However, same-gotra marriages have been legal under Indian civil law since the Hindu Marriage Act of 1955. Additionally, marriages within certain degrees of consanguinity are considered sapinda and banned in Hinduism. Hindu law gives differ in the definition of sapinda: at one extreme, according to some sources marriages are prohibited within seven generations on the father's side and five on the mother's side. In contrast, other sources allow cross cousins to marry, including first cross cousins. The Hindu Marriage Act bars marriage for five generations on the father's side and three on the mother's side, but allows cross-cousin marriage where it is permitted by custom.

IMPACT OF KHAP PANCHAYATS

The effectiveness of the Sarv-Khap decision depends upon the type of issue, the nature of the decision, community feelings, and unity and solidarity between the different Khaps. The sense of community feeling, cooperation, a traditional value system and the feeling of bhaichara provide the main strength to the institution of the Sarv-Khap panchayat. The main role of the Sarv-Khap is maintain peace and harmony between various Khaps by settling disputes or by passing the resolutions related to the social welfare of the people such as education of girls, ban on female foeticide and dowry, limited expenditure in marriages and so on. The khap panchayats have a great effect on the people's life and the whole functions of the society. These effects can be in the negative or positive sense. Some of these are defining below:

THE NEGATIVE SENSE

POLITICALLY

Violation of the gotra rule usually invites death for the offending couple, while family members are ostracized. It has served as a motive to terminate many young lives, either through murder or

forced suicide. The mahapanchayat recently justified their actions by sending a message to the government and courts saying that the khap panchayats were independent of the laws of the land.

As a result, these medieval village-level panchayats function as parallel courts. They govern 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 the legal authority to do so.

SOCIALLY

The political and juridical power that the khaps 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 timings 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 panchayats. 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 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 a boycott and hefty fines in lakhs of rupees. Even the other women of the house can suffer abuse.

In general, women are not well off under the rule of khap panchayats. In some other parts of India where there are Khap Panchayats, women are considered by them as a commodity. The reproductive roles of women are highlighted under this fold. 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 homemaker after they get married. Women are not even allowed to enter, forget participate in these Khap meetings. Complete exclusion of female counterparts reflects that it is a highly male dominated sphere where women are considered mere objects.

ECONOMICALLY

As a result of the power of the khap panchayat, Haryana remains completely feudal and patriarchal in terms of attitudes to labor, marriage, inheritance, caste and gender relations. The predominant Jats, as a wealthy farming community, zealously guard their land, females and customs. Exercising control is the key to their social formulations, and khap panchayats serve as instruments towards this end. They are also found in other States, harboring Jats. For this reason, laborers who do not belong to the Jats do not get a chance to develop them in economic respect.

The influential khap panchayats also affect the local economy in another way. To a great extent they exert control over the labor market: indirectly they have a say in who gets what kinds of jobs.

Women are often neglected and do not get a chance to develop themselves or to become financially independent.

THE POSITIVE SENSE

In our society there is a huge discussion about khap panchayats but only in a negative sense. Some positive aspects are also there which shows the different form of the khap panchayats. These are following:

- They are having a jury from common man which has thorough knowledge of issue, both parties and implication of the crime and its verdict. Our Judicial system is only seeing the instance with the help of written and solid Proofs and that also is the interpretation of the Single so called meritorious person. He bears no implication of crime and verdict he would pass.
- It's good that they have taken up issues like dowry harassment and oppose lavish show of money in marriage functions.
- Khap Panchayat is based on social respect and responsible for protecting our society from cultural invasion by alien societies.
- Khap panchayat helps in preservation of culture and traditions from one generation to the next.
- They have played vital role in social activities like widow marriage, poor girl's marriage, provide help to poor families by giving them land for agriculture, solving disputes among the families, etc.
- Khap panchayat promotes the education through many institutions like Jat Institutions. Jat communities are known for social reforms; they have opened Gurukuls, throughout India (North India in specific) and that too without any governmental aid with their own charity. These institutions are democratic in nature and there are no boundations of caste and religion among the teachers and students.

HOW CAN KHAPS PLAY A VITAL ROLE IN STANDARDIZATION AND REFORMATION OF SOCIETIES?

- Young generation is unknown and unable to set compatibility between what they see outside the village (in cities) or through televisions and ground level village community traditions and norms. They don't find themselves comfortable when facing the new life of cities or town because either they may have not been made informed with or told about it. But they find the relevancy what is shown on TVs to city lives so consequently starts considering it as the standard without knowing the bad and negative impacts of it on their life following their societies. Village culture is put on halt by some high aspirant people living in cities and is criticized as known good for nothing. Consequently this gives a negative impression of their mother culture to new entrants in city life and they intend or decide to follow the city

trends not only in terms of earnings but as social too. Overall saying is this that we have to make the villages' culture, customs and values as standardized and shouted as the cities one. The city one is nothing but the reformed and revised set of village culture itself. The only need is of a mediocre who could pass the good of both cultures to new and young generations. And this is where Khap Panchayats have the vital, wide and really very respect gaining and good will creating role for them.

- It is really ridiculous that there is hardly seen a serial on Haryanvi culture which shows the real Haryanvi values of national level (SAB TV is showing one such serial called "Na aana is desh laado") as has been enhanced by our neighbors. Panchayats should come on this platform, start conferences, discussions and request TV channels, producers, TV serial directors to produce something relevant to our society and custom. Encourage such people on moral bases as well as supporting them financially so that at least there should be one serial on TV channels like Star TV, Zee TV, Sahara TV and all other such national level channels.
- TV is the most entertaining and knowledge gaining medium for children. So Khaps panchayats can unite on this platform, there is no better medium other than TV to make the children of modern age knowing our custom and traditions too. This is not only the way of emphasizing Khap Panchayats role and good will to society but many more too like in schools through moral classes, in families through grand-parents, in villages through respective and honorable elders. All these have to come ahead and take their responsibility for the society and then see there would not be any crime in future neither from the side of young generation nor from the Khaps Panchayats.
- Though medically and genetically the ritual play a good role for the survival of the fittest, but passing the unconstitutional dictates are more harmful. The Khaps should pass the dictates against the evils that are so rampant in our society.
- There is a need to establish the village-wise committees in every khap to awaken the society against the prevailing social evils. These committees would have equal number of men and women representation.

There are so many unwanted things in our culture which we can't tolerate and which is against the law of humanity. Mahatma Gandhi once said "There is no law above the law of humanity". Sati Pratha was also in our culture but was against the humanity. By removing the bad things from our culture is not that we are forgetting our culture but by doing this we are giving our culture more value.

RECENT POSITIVE STEPS TAKEN BY KHAP PANCHAYATS

In modern times where the societal norms are constantly changing, there is always a tiff between the ancient practices being followed and the modern liberal opinion of the youth. This has obviously resulted in a revolt by the practitioners of these ancient customs who believe in restoring it at any cost.

On 9 March, 2011, Dahiya khap convened a panchayat on the eve of women day, to mark 1000 years of earlier panchayat, has made the participation of women in decision making in every meeting of khap panchayat mandatory. The Mahapanchayat passed a resolution that without one-third participation of women in Khap panchayats, no meeting can be held. The decision was taken in the presence of women who participated in the mahapanchayat, said Colonel M S Dahiya, one of the organisers.

The thua khap 'sarvajatiya' panchayat has announced a ban on sex determination tests and female foeticide in 24 villages in the 'tapa' (cluster) under its jurisdiction in the district Jind. The minimum penalty would be Rs 1,100 and could be increased in case of repetition. And panchayat was willing to adopt social boycott if violations continued.⁶

The Haryana Govt. has also amended the reservation policy in Govt. jobs for separate class of community i.e. special backward class. The credit of this achievement goes to khap panchayats because they protest and strike many a time against the Govt. of Haryana for this reservation. The demand of reservation policy for Govt. jobs at central level also growing day by day.

Today, many khap panchayats changed their negative and radical perspective to normative and legal way against honor killing. Khap panchayats were only against the same goatra marriages, and not against inter-caste or inter-religious marriages. The honor killings relating to same goatra marriages accounted only for 3%, while the other killings related to couples involved in inter-caste and inter-religious marriages.⁷

University Grant Commission (UGC) passes the order to the Department of Public Administration, Choudhary Devi Lal University, Sirsa for the research of negative and positive aspects of khap panchayats in Haryana.

All Khaps panchayats has called in a meeting at Bibipur village, Jind on July14, 2012. They decided to take steps for women empowerment in the society. The order passed by Khaps panchayat that a woman has the legal right in her patrimonial property. This step will be a mile stone for the interests of women in the society. They were also agreeing for participation of women in all movements for all decisions and proposals for the interests of women.

CONCLUSION

In the present scenario of Globalization, youth always believe in the change or modification of the tradition with respect to the advancement of technology, urbanization, education and nucleus families. There is also need some modification in the thousand years old traditions and should amend the certain rules by inducing some flexibilities according the norms of present society to make them more significant and more acceptable to the mass.

BIBLIOGRAPHY

1. Aggarwal, Partap C. (1971) Caste, Religion and Power: An Indian Caste Study. New Delhi: Shri Ram Centre for Industrial Relations.
2. Hayden, Robert M. (1999) Disputes and Arguments among Nomads: A Caste Council in India. New Delhi: Oxford University Press.
3. Malaviya, H.D. (1956) Village Panchayat in India. New Delhi: Economic and Political Research Department, All India Congress Committee.
4. Pradhan, M.C. (1966) The Political System of Jats of Northern India, Delhi: Oxford University Press.
5. Thapar, Romila (1984) From Lineage to State. Bombay: Oxford University Press. Also, Sharma, R.S. (1965) Indian Feudalism. Calcutta: University of Calcutta.
6. The Tribune, Chandigarh, 9 July, 2013, p. 3.
7. The Tribune, Chandigarh, 10 July, 2013, p. 11.