

## CASTE, CULTURE AND KHAP: NO HONOUR, ONLY KILLINGS

JUHI GUPTA

Centre for Women's Studies, Aligarh Muslim University, Aligarh, Uttar Pradesh, India

### ABSTRACT

A woman has to go through a life-and-death like situation in giving birth to a world that men would like to look after. But the processes centered on her seem blatantly biased in favor of men and undemocratic instead of being a blissful choice of equal sharing. This is true especially in matters of Khap where women are facing a number of social diktats in our customary society embedded in patriarchy. Khaps that mainly belong to states of Haryana, Rajasthan and Uttar Pradesh, are originated from the ancient system of 'Panchayats' as a social administration and organization. Actually, the word 'Khap' itself denotes a regional area or 'Janpad', now equivalent to a 'tehsil'. Khap actually wield much more power than the statutory panchayats in these states. Survival of the institution of 'Khap' during such a long passage of time demonstrates not only its resilience but also its suitability for the people inhabiting the long tract extending from Madhya Pradesh and Malwa to Sindh, Punjab and Multan. Can such a historical institution be scrapped at arbitrary political calls? Complaining 'Taliban-style' diktat of a Khap Panchayat in Baghpat region of Uttar Pradesh, union home minister, P. Chidambaram, anticipated state government action against them. But neither policing against a community is likely to succeed nor can any 'fatwa' forbid women from using cell phones, going to the market or walking unescorted. Concentrated efforts by polity, civil society and media are required to put in order the anachronistic institutions of Khap. This paper is a modest attempt to develop strategies of resistance in the light of shared knowledge and to vocalize the silent but brave resistance of women in India whose life has been encroached upon with claims of dishonor. Hope it provides a tool for anyone seriously committed to eradicating violence against women in all communities.

**KEYWORDS:** Khap, Diktat, Panchayat, Haryana, Women, Patriarchy, Gender

### INTRODUCTION

Khap Panchayats have recently been in news for either their diktat judgments or because of their justifying crimes in the name of saving the 'honor' of the families and community at large. These socio-cultural norms are especially imposed on youths, especially on young women, mostly in Haryana or some parts of Western Uttar Pradesh. Despite the growing Global attention on 'honor crimes', the issue remains an uncomfortable one as some delegations are concerned that a focus on crimes against women committed on the name of honor is selective, rather than comprehensive in its treatment of violence against women.<sup>1</sup>

Khap and Sarv Khap was a system of social administration and organization in the republics of Northwestern states like Haryana, Rajasthan and Uttar Pradesh in India since ancient times.<sup>2</sup> People living in its village units since the

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<sup>1</sup> Connors Jane, "United Nations Approaches to 'crimes of honour'"; ed. Welcgan Lynn and Hossain Sarah, *'Honour' Crimes, Paradigms, and violence against women*, Zed Books Ltd., London, Uk, 2005, p.37

See also the comments of Jordan on the resolution presented in the Secretary-General's report on working towards the elimination of crimes against women committed in the name of honour, A/57/169, para 15.

<sup>2</sup> <http://www.jatland.com/home/Khap>, (Accessed on November 12, 2012).

days of Rig Veda, dating the circa 2500 BCE<sup>3</sup>, have also come to be called as Khaps. Their social, administrative and organization structure comprised of a republican society headed by the council of five. It is also popularly called as *Panchayat*, earlier 'Sabha' or 'samiti' lead by an elected Sabhapati. Thus Khaps are a social - political grouping of a particular geographical tract, now extending from Madhya Pradesh and Malwa to Sindh, Punjab and Multan.

The word Khap is probably derived from Latin word corpus which means an organization of individuals. Other parallel terms are Pal, Ganas, Janpada or republic. For some reasons the political unit of Khap was defined as a group of 84 villages. This unit of measure is found as far back as the Saka migrations/invasions circa 500 BCE into the Indian subcontinent.<sup>4</sup> Moving from various forms of governance, tribal to village to monarchical and then modern republican mode, Khaps have demonstrated their social resilience and political suitability of their organization for the masses governed. One wonders if such a historical institution can be wished away by market-oriented propagandists or popular political strategists.

In Indian subcontinent a unique and crucial basis of stratification is caste system which can be seen as an elaborated hierarchy of birth-based groups. If we look back in history, these status groups were closely linked to the control over resources and thus broadly congruent with class. As Uma Chakravarti claims that Honour is one of the most valued ideals in sub continental patriarchies-with most communities seeking to gain and maintain 'honour'.<sup>5</sup> It is also evident from the contributions by Dina Siddiqui, and Hanana Siddiqui that across South Africa, the paradigm of 'honour' interfere with the right to choice in marriage.<sup>6</sup> Chakravarti adds that *izzat* or prestige is a wide ranging masculine concept underpinning patriarchal practices in India and among all castes violation of the marriage is seen as an attack on it.<sup>7</sup>

These extra- constitutional bodies of Khaps are not only creating moral pressures by limiting the choice of youth in getting married to the person of their choice but also creating fear in them and their families. Not surprisingly, even police protection fails to help the poor victims as policemen and politicians fully subscribe to and openly endorse the values underlying opposition to such marriages. They therefore allow revenge and condone punishment of the so-called transgressors. Khaps are found not only in one particular region, religion or community. It is found in almost all the regions or communities in Haryana in Uttar Pradesh with different times. For instance Ahlawat Khap, Rathi Khap, Balyan Khap, Gurjar Khap, Bhadana Khap, Kalsiyan Chauhan Rana Khap, Kasana Khap, Khatana Khap, Bainsla Khap, Bhati Khap, Karhana Khap, Panwar Khap, Batar Khap, Chhokar Khap, Rawal Khap, Nagar Khap, Dedha Khap, Tomar Khap and Chouhan Gurjar Khap.<sup>8</sup> It is to be noted that Love marriages are considered taboo in areas governed by Khap Panchayats.<sup>9</sup> If a married couple's gotra is the same or if they have married in the same or neighboring village, they are told to cease being husband and wife and live as brother and sister. To the Khap Panchayats, it does not matter that their parents may have arranged the marriage, a child may already have been born out of the marriage and that in the eyes of the law they have done no wrong. Yet, the same law is unable to protect them and it bows to what are claimed to be sacrosanct social norms. Parents, brothers and cousins who avenge such "wrong" marriages instead find legitimacy and support from

<sup>3</sup> [http://Khap-honorkilling.blogspot.in/2011\\_07\\_01\\_archive.html](http://Khap-honorkilling.blogspot.in/2011_07_01_archive.html) (Accessed on November 18, 2012).

<sup>4</sup> [http://Khap-honorkilling.blogspot.in/2011\\_07\\_01\\_archive.html](http://Khap-honorkilling.blogspot.in/2011_07_01_archive.html) (Accessed on October 20, 2012).

<sup>5</sup> Chakravarti, Uma, "From fathers to husbands: of love, death and marriage in North India", ed. Welcgan Lynn and Hossain Sarah, *'Honour' Crimes, Paradigms, and violence against women*, Zed Books Ltd., London, Uk, 2005; P. 309

<sup>6</sup> Radford Jill, Russell Diana E. H., *Femicide: the politics of woman killing*, Twayne, 1992; P.05

<sup>7</sup> Chakravarti, *ibid.*

<sup>8</sup> <http://www.jatland.com/home/Khap> (Accessed on November 30, 2012).

<sup>9</sup> <http://www.azadindia.org/social-issues/Khap-Panchayat-in-india.htm> (Accessed on December 03, 2012).

local law enforcement authorities. The rhetoric of citizenship, of embracing modernity, of development, of gender equality, lies in the Haryana dust.

### Recent Diktat Like Judgments of Khap

This decade has witnessed a large number of controversial decisions made by Khap. These not only created barriers in peoples' right to choice but also seemed as a threat to Indian democracy. Khap's controversial decisions were highly criticized and condemned by the masses at every corner of the country.

'Honour killings' are among the worst and most infamous cases reported in Khap affected areas. The concept of 'family honour' is not limited to any one religion but it exists in all religions and communities. As Purna sen says:

"Codes of honour serve to construct not only what it means to be a woman but also what it means to be a man, and hence are central to social meaning of gender... Women are undoubtedly the primary victims of crimes of honour. Their movements are restricted, their friendship and even conversations are monitored or controlled, their marriage patterns are chosen for them, and they are clear targets of killings."<sup>10</sup>

Friedrich Engels's explanation of women's subordination in his landmark work 'The Origin of the Family, Private Property, and the State'<sup>11</sup> has come to be true in this era. Women are treated as the property of their husbands or fathers. The country has witnessed a number of honour killing cases throughout the decade. Uma chakraverti also supports this when she says "Women are the repositories of 'family honour'-of their own family as daughters, and of their husband's family as wife and mother...The implication for women is that their 'dishonorable' conduct can irreparably ruin their family. Thus by constant evoking the twin notion of honour and dishonor, families either condition women into appropriate or shame their inappropriate behavior."<sup>12</sup>

People wishes to be married in their own caste have to face a lot of difficulties. Sometimes they have to lose their lives also. It is to be noted that intercaste marriages are protected under Indian law, yet social attitudes remain largely resistant. A majority of Hindu couples continue to marry within their castes. United Nations cited a survey in 2006 in this regard which says that 76 percent of respondents deemed the practice of intercaste marriages unacceptable.<sup>13</sup>

The study conducted by National Commission for Women revealed that 326 cases of conflict surveyed so far nationwide, 72% were because the couple crossed caste barriers and only 3% were because the couple were from the same gotra.<sup>14</sup> The killing of young couples who challenge the wishes of their families is not uncommon in rural India where the centuries-old traditions of caste and tribe remain little diluted.

The diktat also tried to make amendments in the constitutional provisions. Some time back, Khaps demanded the Central Government of a state legislature an amendment in the Hindu Marriage Act, 1955 so that it can prohibit marriages

<sup>10</sup> Sen Purna, "'Crime of honour', value and meaning", ed. Welcgan Lynn and Hossain Sarah, *'Honour' Crimes, Paradigms, and violence against women*, Zed Books Ltd., London, Uk, 2005; P. 48

<sup>11</sup> Engels Friedrich, *The Origin of the Family, Private Property and the State*, Resistance Books, 2004

<sup>12</sup> Chakravarti, Uma, "From fathers to husbands: of love, death, and marriage in North India", ed. Welcgan Lynn and Hossain Sarah, *'Honour' Crimes, Paradigms, and violence against women*, Zed Books Ltd., London, Uk, 2005; P. 310

<sup>13</sup> <http://www.nytimes.com/2010/07/10/world/asia/10honor.html?pagewanted=all& r=0> (Accessed on November 15, 2012).

<sup>14</sup> <http://www.anti-caste.org/2010/07/caste-honor-killings-india.html> (Accessed on November 23, 2012).

within the same gotra.<sup>15</sup> They also demanded for a ban on marriages within the same village and contiguous villages, as well as de-recognition of temple weddings uniting runaway couples.

In a recent case reported in Baghpat region of Uttar Pradesh, the Asarra Khap administrators barred women from using cell phones, going to the market or walking unescorted, boycotting love marriages. Since no constitutional provision restricts anyone from all these, the then Home Minister P. Chidambaram condemned their decision of imposing unconstitutional burdens in the society. He also said that Panchayat's diktat has no place in democratic society.<sup>16</sup>

A similar self styled social reform was also reported from Sunderbadi village Panchayat in Kochadham block of Kishanganj district of Bihar where the Panchayat restricted women from using mobiles. They also announced if any woman was found using mobile, heavy fine as much as Rs. 10,000 would be imposed on her. The explanation given by a senior official of that Khap Mohammad Manzoor Alam to a news channel was that "Mobile phone is the cause of all evils in our society, including increasing love affairs and the elopement."<sup>17</sup>

In a statement on Khap Panchayats, All India Democratic Women's Association (AIDWA) said low sex ratio is partly responsible for the spate of rapes in Haryana. According to AIDWA Vice President Jagmati Sangwan, "The sex ratio in Haryana is so dismal that boys are not finding girls for marriage. Such factors create an environment which is unsafe for women."<sup>18</sup> However, reacting to the increasing number of rape cases in Haryana, Khap Panchayat announced ban on TV and movies and in a shocking reaction to a rape case in jind district of Hisar, Haryana Khap Panchayat has blamed girls for such incidents. Bypassing the constitutional provisions, they favored for child marriages and suggested that the marriageable age for girls should be reduced to 16 years.<sup>19</sup>

Since Khap related cases started to increase at a rampant speed, in 2011 a movie was also directed by Ajai Sinha starring Om Puri and Yuvika Choudhary which threw light on the reality of Khaps all across the country. One should not forget that the Supreme Court on April 2011 termed Khap Panchayats as kangaroo courts and declared them illegal. The film tried to portray how Khap Panchayats adopt extreme ends to prevent marriages within the same 'gotra', often resulting in multiple deaths. There was heavy protest by Khap in Haryana on this movie. Khap defendants demanded a ban on the movie and urged Haryana government to support them in this regard.<sup>20</sup> The movie was seen as an attack on the popular culture.

In the same series Haryana's Khap Panchayats have recently demanded that Aamir Khan's popular TV show, Satyamev Jayate, be pulled off air. Aamir drew the ire of the kangaroo courts after he accused them of triggering honour killings.<sup>21</sup>

<sup>15</sup> <http://www.hindu.com/mag/2010/05/23/stories/2010052350020100.htm> (Accessed on November 18, 2012).

<sup>16</sup> <http://www.deccanherald.com/content/264021/Panchayats-diktat-has-no-place.html> (Accessed on December 05, 2012).

<sup>17</sup> <http://www.ndtv.com/article/india/bihar-village-bans-women-from-using-mobiles-300305?pfom=home-topstories> (Accessed on November 21, 2012).

<sup>18</sup> <http://ibnlive.in.com/news/9-rapes-in-less-than-a-month-low-sexratio-responsible-for-haryana-horror/298676-3-240.html> (Accessed on November 16, 2012).

<sup>19</sup> <http://ibnlive.in.com/news/movies-tv-to-be-blamed-child-marriage-solution-for-rape-cases-Khap-Panchayat-member/298706-3-240.html> (Accessed on November 09, 2012).

<sup>20</sup> <http://www.newsreporter.in/film-on-honour-killings-Khap-starring-om-puri-yuvika-choudhary-to-be-released-on-july-29> (Accessed on October 28, 2012).

<sup>21</sup> <http://bloggingprince.blogspot.in/> (Accessed on October 18, 2012).

Khap's diktat does not end with banning on love marriages or mobile phones. They also advocated putting restrictions on wearing jeans for girls. It was blamed that these 'objectionable clothes' had a bad effect on young women, provoking eve-teasing and encouraging young couples to elope.<sup>22</sup>

In another bizarre diktat, Haryana's Jind district Khap blames consumption of chowmein for rapes. The Panchayat alleged that chowmein leads to hormonal imbalance evoking an urge to indulge in such acts.<sup>23</sup>

About Khap's decision of lowering the age for marriage as a solution to crimes such as rape, sociologist Dipankar Gupta in her book 'Rivalry and Brotherhood'<sup>24</sup> cited, "a traditional institution found among castes such as Jats and Gujjars in Haryana and parts of west UP - are similar to gotras, sub-groups within a caste that claim to have descended from a common ancestor. This could be the reason for their compulsive exogamy, prohibiting marriage within the same clan because any such act is considered akin to incest." He also documented how, in 1993, a sarv Khap (all-Khap) Panchayat in Sonapat village "resolved that divorce should be considered a social crime, and the offending party should be ostracized by the village".<sup>25</sup>

Joining the same league, a local Muslim Panchayat of sarai village of Haridwar banned women from venturing out for Job in April this year; no matter the constitution guarantees no discriminate against anybody for working anywhere in the country on grounds of sex.<sup>26</sup> When an innocent mother tried to help a couple to move beyond the norms of Khaps, she was not only stripped but also beaten up and her face was blackened.<sup>27</sup>

In their another move, Khap Panchayats also appealed to the Centre and Haryana government to grant Khaps the status of Lok Adalats alleging their decisions on various issues as "unanimous."<sup>28</sup> The Honorable Supreme Court of India not only termed 'Khap' Panchayat as illegal and honour killing as barbaric but also advocated to stamp it out ruthlessly.<sup>29</sup>

Justice Markandey katju remarked in a case involving honour killing in the year 2006

"The caste system is a curse on the nation and the sooner it is destroyed the better...it is dividing the nation..., inters caste marriages are in fact in the national interest

There is nothing honorable in 'honour killings' and infect 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"<sup>30</sup>

<sup>22</sup> [http://Khap-honorkilling.blogspot.in/2011\\_07\\_01\\_archive.html](http://Khap-honorkilling.blogspot.in/2011_07_01_archive.html) (Accessed on November 08, 2012).

<sup>23</sup> [http://articles.timesofindia.indiatimes.com/2012-10-16/india/34497488\\_1\\_Khap-Panchayat-haryana-Khap-haryana-s-jind](http://articles.timesofindia.indiatimes.com/2012-10-16/india/34497488_1_Khap-Panchayat-haryana-Khap-haryana-s-jind). (Accessed on November 12, 2012).

<sup>24</sup> Dipankar Gupta, *Rivalry and brotherhood: politics in the life of farmers in northern India*, Oxford University Press, 1997

<sup>25</sup> [www.hindustantimes.com/.../Khap-Panchayats.../Article1-942790.asp](http://www.hindustantimes.com/.../Khap-Panchayats.../Article1-942790.asp). (Accessed on November 22, 2012).

<sup>26</sup> <http://post.jagran.com/Muslim-Panchayat-in-Haridwar-bans-women-from-venturing-out-for-Job-1303387520> (Accessed on December 12, 2012).

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<sup>28</sup> <http://www.thehindu.com/news/states/other-states/Khap-Panchayats-demand-lok-adalat-status/article3996824.ece> (Accessed on December 12, 2012).

<sup>29</sup> <http://www.rediff.com/news/report/stamp-out-barbaric-Khap-Panchayats-rules-sc/20110419.htm>. (Accessed on December 15, 2012).

<sup>30</sup> Saikia, Nandita, *Indian Women: A socio-legal perspective*, serials publications, New Delhi, 2008, p. 32

## CONCLUSIONS

Although the government as well as supreme court of India has issued certain guidelines and made stricter laws for not interpreting constitutional provisions by their own, Khap related cases are still increasing. There are many people who are still living under fear of Khap diktats. They are not allowed to live life of their own choice, to even choose their life partner according to their wish. Some important points are to be highlighted for spreading awareness about rights and wrongs of Khaps. Ravinder Kaur from IIT Delhi reasons the recent resurgence of Khap Panchayats and highlighted two important phenomenons for their actions viz-a-viz self choice marriages as follows:

“The first is the impact of the abysmal sex ratio, which is a result of rampant female sex selective abortions, neglect of girl children and a minuscule but still present female infanticide. The second is that it is only women in this male-dominated society who have publicly stood up to the might of the Khap Panchayats and are challenging their writ.”<sup>31</sup>

Of late some sense of proportion seems prevailed in Khap Panchayats. A Mahachayat convened in Haryana disowned the demand to lower the age of girls' marriage.<sup>32</sup> Haryana government has also made some great efforts in reducing crimes against women. Since the Khaps termed female foeticide a heinous crime in state, the government announced Rs 1 crore to village for that made a voice against female foeticide. This is also encouraging that having known for exemplary work with bagging the President Award of the development, Siswa Panchayat in Gujarat has become a role model for other villages as it has decided to put responsibilities of Panchayat work on educated girls<sup>33</sup>

Growing interests of media, though problematic, in such issues have drawn global attention towards the violation of constitutional and human rights, which includes the right of women to live with dignity in families and communities.<sup>34</sup>

Criticizing the media a Khap spokesman said, “Decisions taken in the Khap Panchayats or caste councils were not individual decisions but collective, and in the interest of the families and the society” but the media keeps "targeting" them "for no fault" on Khap's part. "The media should understand that the role of Khap Panchayats is to preserve the culture, traditions and promote brotherhood in society", they said. The spokesman also allegedly that the state government for 'not doing enough to push reform suggested by Khap Panchayat'.

There is an angry voice blaming media for getting our daughters slaughtered and the hype continues since the days of dowry deaths. Khaps are very sensitive about crime against women, especially rapes, but they blame the TV and the media for projecting the obscene content. They demand that the State government should institute special cells for women. Khap Panchayats are planning to launch awareness cells.<sup>35</sup>

<sup>31</sup> Kaur, Ravinder, “Khap Panchayat, Sex Ratio and Female Agency, Economic and Political weekly”, vol XLV NO 23, june 5, 2010 (Accessed on November 03, 2012).

<sup>32</sup> [www.thehindu.com/news/.../Khap-Panchayats.../article3996824.ece?](http://www.thehindu.com/news/.../Khap-Panchayats.../article3996824.ece?) (Accessed on November 28, 2012).

<sup>33</sup> <http://www.indianexpress.com/news/rs-1-crore-to-village-for-speaking-against-female-foeticide/974746> (Accessed on November 20, 2012).

<sup>34</sup> Chakravarti, Uma, “From fathers to husbands: of love, death, and marriage in North India”, ed. Welgan Lynn and Hossain Sarah, *'Honour' Crimes, Paradigms, and violence against women*, Zed Books Ltd., London, Uk, 2005; P. 324

<sup>35</sup> [http://www.thestatesman.net/index.php?option=com\\_content&view=article&show=archive&id=426728&catid=36&year=2012&month=10&day=14&Itemid=66](http://www.thestatesman.net/index.php?option=com_content&view=article&show=archive&id=426728&catid=36&year=2012&month=10&day=14&Itemid=66) (Accessed on November 19, 2012).

According to kumkum sagarika, “*The way out of tradition, regional, cultural or religious particularism as explanations for gendered violence may lie in thinking materially and substantively of economies, politics, patriarchies, of local as well as trans national ideologies and social relations.*”<sup>36</sup>

Uma Chakravarti calls upon feminists to understand the relationship between structures and ideologies, if effective results in the area of expanding the arena of women’s fundamental rights, are to be achieved.<sup>37</sup>

Our gender roles are no less responsible for deteriorating situation on male-female front. Normally, we treat a woman as a Goddess and hold her in esteem as honor of ‘our family’ but we also exploit her as a marketing tool, forcing her getting lost in world of glamour and live and die as Marylene Munroe. Such paradoxes have rendered Indian men, especially those brought up in collusion with their mothers and docile wives, imbued with sort of self-righteousness that has almost religious sanctity that leaves no room for the other half.

Whenever a woman asserts her identity, freedom of choice; men know nothing but rebuttal. Even in their marital choices, women are ignored without inquiring if the man proposing to protect her ever inspires confidence or makes her feel safer.

But these are social problems that can be tackled by engineering our social fronts and not by social decrees of old fashion patriarchy. On one hand, we need to cultivate and support our rich, peaceful, respectful and fruitful social values and on the other, we have to habituate our people not to peep into dress choices or personal habits. We need to be reformers in our homes and society and not belligerent revolutionaries.

However, sheer negative dialogues and thoughts for KHAPS are not enough. More important is to explore a way-out to reconstruct the concepts to reach a solution. This paper is an attempt to make us understand that KHAP is not about one person or individualism. It is a phenomenon of the structured thoughts planted in the traditions of the society. In order to perpetuate an egalitarian society, it is necessary to understand the mindset and also those traditions which have created such strong commitments amongst people, where killing of their own child has no emotional barring to protect the tradition. Nobody is above our Legislature and no social institution can be allowed to act as an alternative judicial body denying individual’s right for freedom of choice as guaranteed by our constitution irrespective of one’s Caste, Class, Creed, Race and Gender. Need of the hour is to channelize the potential of Khap in such a way that it should work as a medium to facilitate women empowerment instead of being a social body that exercises violence on women in the name of preserving their ‘ideal womanhood’.

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<sup>36</sup> Sangari Kumkum, “Gendered Violence: National Boundaries and Culture”, ed. Radhika Coomaraswamy and Nimanthi Perera Rajasingham, *Constellations of Violence*, Women unlimited, new Delhi, 2008, p.27

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