

Understanding The Khap Panchayat and Attitude of The People About Khap Panchayats and Marriage System: A Study of Ujhana Khap

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Abstract

Khap Panchayat is a very popular system of social administration in the state of Haryana, Western Uttar Pradesh and some parts of Rajasthan from the ancient time. Objectives of the study: to understand the khap panchayats and attitude of the people about the khap panchayat and the marriage system. Research methodology: one hundred and twenty respondents from the villages of Ujhana khap were interviewed by using a convenience sampling method. Major findings: Majority of the people agreed that khap panchayats are necessary for the society in creating the feeling of brotherhood in the society. Almost all the respondents agreed that same gotra and same village marriage should be banned by making law. But sometimes the decision taken by the Khap Panchayat is so different from the existing laws that it creates a situation of ambiguity in the society like in same gotra marriage and in cases of honour killing.

Keywords: Khap Panchayats. Gotra, honour killing, Gohand.

Introduction:

In the Rig vedic time we are able to find out one ancient concept that is KHAP Panchayat. The Khap Panchayat generally comes under the social political groups, and the members of the Khap Panchayat are from the village community and mostly the elder people of that area or the majority of the cast living in that area. The members of the Khap Panchayat consolidate their power and position by covering a large area like many villages, and set their own rules. Generally Khap Panchayat comes under the social institution but they have no legal status i.e. these institutions are not sanctioned and governed by the law. The word Khap was first used in the 1890-91 census report of Jodhpur, which was based on religion and caste. Although, not much authentic data is available on khaps still some claims have been made that the institution of khap and khap panchayats date back to the time of Mahabharata. According to Chaudhary, "The earliest example of a Sarv Khap panchayat of Jats for which record is available was held at Barona (in present day Sonapat, Haryana) the Khera (the native village) of Dahiya Jats on March 7, 1911". According to experts, the word khap is perhaps derived from the saka language word khatrap, which means an area inhabited by a particular clan. (Khap Panchayat: Women and Honour Killing by Deepa Awasthi, Kalpaz Publications, 2016) D.R. Chaudhary says in Khap Panchayat and Modern Age (National Book Trust, 2014) that the khap panchayat has now well-defined structure. "It has no formal membership nor is there any elective principle to constitute it," Chaudhary has written. "...the headship of khap is either hereditary or some elder is asked to preside over the meeting of a khap panchayat for the particular occasion only. A few more elders may be asked to act as panches (judges)." More importantly, Chaudhary points out that earlier khap panchayats were not exclusively a Jat phenomenon, which they have become now. "For instance, in its first sarv khap panchayat after independence in Sorem in the district of Muzaffarnagar of western UP held in 1950, Chaudhary Jawan Singh Gurjjar of the village Beenra Niwas was its pradhan, Thakur Yashpal Singh of village Puniala was UP Pradhan, while Chaudhary Kabul Singh of village Sorem was its mantri," Chaudhary has written. "Of the three office-bearers, Chaudhary Kabul Singh was the only Jat." The khap panchayat can be classified on the following two bases.

1 Gotras: A hindu clan tracing its paternal lineage from a common ancestor, usually a saint or sage. People within the same gotra are regarded as siblings and marrying such a person can lead to higher chances for the child to get genetically transferred diseases. In almost all hindu families, marriage within the same gotra is not practiced {since they are believed to be descended from the same family}. Although one caste is divided into a lot of gotars. To create the feeling of brotherhood among the people of the same gotra found in the different areas. khap based on gotra are called gotra khap for example Dahiya khap, Malik khap, Beniwal khap, Deshwal khap, Sangwan khap, Redu khap, Deshwal khap, Kaliraman khap etc.

HOODA KHAP- The Hooda Khap basically started when the clan claimed to be the descendant of Sudah who initially settled in Rewari where the people mispronounced the word Sudah and

started calling Hudah. Kailoi, Sanghi and Khirwali were the first villages to be founded by the clan, out of which Sanghi was the head village of Hooda Khap. According to the records Babun was the first ancestor of the khap. From the same clan Ch. Matu Ram was appointed Jaildar on 1st November 1896 who played an important role in spreading Arya Samaj and also participated in national movement.

Desh khap: Desh Khap is the largest Khap of Uttar Pradesh which consists of 84 villages and headed by Chaudhary Surendra Singh at Baoli Village in Baghpat district. The Tomar gotra is the dominated gotra of this khap even though Malik gotra also resides here. Sakalpal Tomar is believed to be the founder of Tomar Khap of 84 villages. Rao Deshpal was the first Chaudhary of Chaurasi Desh Khap who played a significant role in the revolt of 1857.

Baliyan khap- Baliyan Khap is also known as the prominent Khap of Uttar Pradesh. M.C. Pradhan says that when a branch of Kashyap clan of Jats migrated from Punjab in the second half of the twelfth century then after crossing the river Yamuna they settled near the present villages of Sisauli and Bhanera-Jat which are the first to be founded by the clan. After the revolt of 1857, the first Sarv Khap Panchayat was hosted at the village Shoron in 1950 where many resolutions were passed against social evils. Chaudhary Kabool Singh was a widely known man who kept the Khap records.

Malik khap- Malik Khap started from the village Ahulana in Gohana later expanded to different parts of Haryana and Western Uttar Pradesh. Dada Ghasi Ram was the prominent personality of Malik Khap who was appointed Jaildar by the British government and also became a member of legislative council in 1924. His birthday is still celebrated by the Khap on 19th February every year.

Dahiya khap- The Dahiya Jats who reside along the North eastern border of the Sampla tehsil are the descendants of malik Rai who had one son named DAHLA from whom the name of the clan dah comes.

2. **Region or Groups of villages.** Many of the khap panchayats are based on the region or a specific area or group of villages, for example Meham chaubisi khap, a group of twenty-four villages, Bawany khap- A group of fifty two villages and Kandela khap, sarv khap, Satrol khap etc. Meham Chaubisi khap- This Khap consists of 24 villages before the revolt of 1857. After the revolt, five villages were shifted to the neighbouring Hissar district. The Mehn Chaubisi Khap Pradhan only holds a panchayat when the village panchayat is unable to settle the dispute. Women are not allowed to attend Meham Chaubisi Khap Panchayat. According to Mehn, the marriage is allowed between the people

Ujhana khap:

Ujhana is a one of the big villages of Narwana tehsil of Jind district situated on national highway 52. A famous khap panchayat of Jind district is Ujhana khap. Ujhana khap is a khap of six neighboring villages Ambarsar, Dhundua, Koyal, Kurar, Nepe wala and Ujhana itself. A notable landmark in Ujhana is the Thaaai (Chaupal), constructed in the 1970s through the collaboration of six neighboring villages: Ambarsar, Dhundua, Koyal, Kurar, Nepewala, and Ujhana itself. This gathering place holds significant importance in the local community and is respected by surrounding areas. Ujhana is recognized as the parent village of these five neighboring villages.

Distinction between Khap Panchayat and Panchayat

Above all, the 'Khap Panchayats' are not democratic and do not fall under the purview of the constitution. They are unelected bodies without official status that are based on caste or gotra systems and behave similarly to joint families.

In the past, Khaps were in charge of resolving conflicts and monitoring the behavior of people or groups, especially in rural North India. They have garnered prominence recently, nevertheless, for their archaic patriarchal and feudal ideologies that target youngsters, especially females, and for their decrees and regressive behaviours.

On the other hand, the village panchayat functions as a constitutionally based local government, drawing its power and jurisdiction from the Indian Constitution. These democratic organisations are essentially set up to use elected representatives to advance democracy at the local level. Notably, the Panchayat Raj Act of 1993's regulations govern the establishment of

local panchayats.

Functions Performed by Khap Panchayat

1. Prior to the establishment of formal judicial systems, Khap councils held significant social standing and were instrumental in fostering peaceful resolutions to conflicts.
2. The primary function of the Sarv Khap is to preserve peace and unity among various Khap groups, either by mediating disputes or by enacting resolutions pertaining to societal welfare, such as promoting girls' education, prohibiting female foeticide and dowry, and regulating wedding expenses. In both structure and operation, Khap Panchayats embody a participatory ethos, functioning as public arenas where disputes could be resolved through direct negotiations, minimizing time and financial resources expended.
3. Leaders of Khap councils serve as influential figures within their respective communities, commanding respect from younger generations.
4. Khaps have historically played pivotal roles in peasant movements, notably in Kandela, Adampur, and Nisingh, as evidenced by their involvement in initiatives led by the Bharatiya Kisan Union.

The main functions were performed by khap panchayats: "First, to settle disputes among members...secondly, it acted as a defender of the religious faith ...thirdly, it had the responsibility to protect the khap area from outside invasion." Traditionally smaller issues are discussed by khap panchayats but if there is a bigger problem then a 'Sarv Khap Panchayat (multi-clan council)' is convened. This conclave passed 28 resolutions. "Most of them dealt with social issues like promoting education, banning dance and obscene songs on the eve of marriage, giving alms to the needy, limiting the number of participants in a marriage party," Chaudhary has written. Some resolutions related to women, however, were controversial. They were considered by many as anti-women in their tone and tenor as they prescribed a certain dress code for women and prohibited them from going alone to the market. To commemorate 100 years of this event, a similar gathering took place in 2011, which also passed 28 resolutions that addressed several social issues, including female foeticide. "Sarv Khap's information about their history is based on the unpublished handwritten pothi of Pandit Kanha Ram, resident of village Shauram in the district of Muzaffarnagar in western Uttar Pradesh. This pothi consists of 16 handwritten pages describing the dates and locations of Khap Panchayat's meetings." (Khap Panchayat: Women and Honour Killing by Deepa Awasthi, Kalpaz Publications, 2016). Khaps have attracted attention in recent times for their decision on marriage. Khaps have opposed marriage within the same gotra and same villages marriage because it becomes a hurdle in creating the feeling of brotherhood among the people. It's a tradition of the village community in haryana to consider Gaam ki beti means Sabki beti. But the rule and law permit such kind of marriage that is the biggest issue before the society particularly in rural society. Disputes among one village to another were resolved by the khap panchayats. Khaps panchayat also worked as a dispute solving body. If some disputes arise between two individuals like property issues, agricultural issue of boundary of khet, nahri pani etc, two families like marriage dispute, divorce issue, any marital affairs can be brought in the panchayat. Khap panchayats also work as custodians of religious values and culture. Khap panchayat are working as social organizations in the society with the main objectives of creating the feeling of brotherhood among the people. On May 17 a meeting of the Sarvjatia Panchayat was held at Raha Swami Satsang Bhawan Loharu road Dadri to discuss the increasing gender inequality, sex ratio, beti bachao beti padao, Somveer Sangwan the convenor of this panchayat gives the oath to the people to start a movement to save girl child, to educate girl child and to remove the feeling of discrimination of male or female. Sh Ramvilas Sharma, a cabinet minister of haryana govt praised khap panchayat for creating a positive thought in the society, he also said that prime minister started a movement beti bachao beti padhao from the historical land of panipat and all the khap panchayats in haryana gave their support to this movement is a praiseworthy. Shri Dhramveer singh member of parliament also said that we have to change our old mindset of discrimination, giving equal opportunities to the girl child is the need of the time. We should work to protect their rights. Sh Ghanshyam saraf member of legislative assembly supported the movement of beti bachao and beti bachao, to eliminate the female

foeticide from the society.

Demands of the Khaps

Khap Panchayat demands cover a broad range of concerns, mostly related to caste relations and marriage administration.

Khap Panchayats seek a number of legal reforms in addition to pushing for restrictions on intra-gotra and inter-caste weddings, which they claim are essential to averting social unrest. These include pushing for changes to the Hindu Marriage Act that would decrease the legal age at which women can marry and requesting more authority akin to Lok Adalats.

However, the way they execute their demands—issuing decrees that typically carry harsh consequences for noncompliance—is unlawful. Khap Panchayats manage social norms by creating dread of social repercussions. This fear causes relatives of those who disobey their orders to shun them, thereby suppressing opposition and maintaining their authority through coercion and terror.

Sources of the Khap Power

The ingrained challenges of gender inequality, rights, and development persist in the desert landscapes of Haryana, where Khap Panchayats steadfastly maintain sacred societal traditions. Khaps enforce their principles and seek revenge against those who transgress, operating with impunity thanks to the overt assistance of law enforcement and government elites.

A few prominent members of society and politics. Almost all political parties, such as Ch. Om Prakash Chautala, Ch. Bupender Singh Hooda the former chief minister of Haryana, and ‘modern’ members of parliament like Naveen Jinda, Ch Dharam Veer supported the Khap demands by using their power as vote banks.

Khaps have received backing from even BJP heavyweights, including the current chief minister of Haryana, Manohar Lal Khattar, who describes their methods as “scientific.” In a similar vein, Delhi Chief Minister Arvind Kejriwal has defended Khap interests by opposing proposals for their outlawing. Locals see Khap Panchayats as defenders of custom in rural areas, and they consider them to be more fair and effective arbitrators of disputes than formal channels.

The public’s general mistrust of statutory courts is one of the main sources of Khap Panchayat authority. According to studies, people still prefer traditional and informal conflict resolution procedures because formal judicial authorities are seen to be more interested in deciding who wins and who loses than in upholding societal peace, which is thought to encourage unfairness. Since justice is ultimately seen as a complicated idea, many people think that courts may ignore the complex social issues surrounding a case and that the expensive and procedural structure of the judicial system may fail to offer reform-backed justice.

People also favour Khaps because they settle conflicts quickly in one sitting, as opposed to the drawn-out legal proceedings in official courts. Furthermore, people frequently feel overwhelmed by the convoluted formal court procedures and believe Khaps to be more sensitive to these issues and to be unbiased in their hearings.

Strength of Khap Panchayats

Today, the khap panchayats have proved to be an essential body among the communities, For Jats in particular, the institution of Khap Panchayats is extremely important since it provides justice, handles everyday issues, and protects customs, rights, and beliefs. The strengthening of Khap Panchayats is attributed to several social and political issues.

Socially, the existence of such councils in nearby villages discourages intra-village marriage relationships by fostering a sense of unity among clan members. Politically speaking, people cannot appeal Khap decisions, and the shortcomings of the Panchayati Raj structure serve to reinforce Khap power.

Furthermore, despite the ineffectiveness of political and legal institutions to counter them, Khap Panchayats have grown into significant vote banks. In India’s rural communities, Khap Panchayats are primarily male-led organisations that are usually headed by members of the higher caste.

Impact of Khap Panchayat on Marriage Rules

The Khap Panchayat is an exploitative body that enforces rigid rules that classify all boys and girls in the Khap as siblings, irrespective of their biological relationship. This grouping also

includes the idea of gotra, in which people who belong to the same gotra are considered to be siblings.

In Khap-governed communities, love marriage is highly stigmatised. Residents are prohibited from getting married within their own gotra or even within any gotra from the same village. Several young couples have tragically perished in the past for disobeying Khap regulations because of the widespread notion that all villagers who are the same age and gotra are considered siblings.

When a boy and girl from the same village, gotra, and Khap got married in the past, the usual punishment was frequently death, a practice known as honour killing. Nevertheless, these severe patterns have partly abated over time, with societal boycotts of the guilty parties and their families taking hold as the new standard.

Khap Panchayats exercise control over the people and regions they are responsible for, and they make a number of choices that have an effect on the community. Many of these choices have an impact on women and girls.

In addition to strictly prohibiting practices like love marriage, inter caste marriage, gotra endogamy (marriage within the same lineage), village endogamy (marriage within the same village), and cell phone use, Khap Panchayats also control when girls and women can go to the market alone.

A Supreme Court bench made up of Justices Markandeya Katju and Gyan Sudha Mishra rendered a historic ruling on Khap Panchayats on April 19, 2011. According to the ruling (Supreme Court, April 19, 2011), Khap Panchayats in Northern India are unlawful organisations that make decisions based on a feudal and savage mindset.

Khap Panchayats have long been a part of the rural communities in western Uttar Pradesh's traditional local government system. There was a belief that these Khap Panchayats would disappear even after independence, even with the implementation of the Panchayati Raj System.

But they have endured and still have influence in Haryana and western Uttar Pradesh's rural communities. When it comes to decisions pertaining to women's issues, these Khap Panchayats are heavily involved. They set dress codes, control the choice of spouses, have a say in educational institutions, oversee dowry practices, uphold caste hierarchy, and enforce other patriarchal social norms.

It has been noted that women sometimes disagree with the choices made by Khap Panchayats. According to Bhupendra Yadav (2009), a few courageous people have come up and openly demanded that these Khap Panchayats be held accountable. This demonstrates how women are forced to accept the judgements made by Khap Panchayats, demonstrating a lack of agency and autonomy in topics that impact their life.

Objectives of the study:

To understand the khap panchayats: historical background, types and functions. To understand the attitude of the people about the khap panchayat of ujhana khap.

To understand the attitude about the marriage system, especially the same gotar and same village.

Methodology : The present study uses primary data to understand the attitude of the people about khap panchayats. One hundred and twenty respondents from the six villages (Ambarsar, Dhundua, Koyal, Kurar, Nepewala, and Ujhana itself. Ujhana khap of Jind district in the state of Haryana) by using convenience sampling method.

Findings and discussion.:

Table 1. Distribution of the respondents as par the statement “Khap panchayat are necessary for the society”.

	Agree	Disagree	Total
Response	96	24	120
Percentage	80%	20%	100%

The table 1 revealed that the overwhelming majority i.e. 80 percent of the respondents agreed that khap panchayats are necessary for the society for smooth functioning in the rural community. Perhaps that is why khap panchayats are becoming an integral part of rural area in

Table 2. Distribution of the respondents as per the statements “Khap panchayat are necessary for creating feeling of brotherhood among the society”

	Agree	Disagree	Total
Response	102	18	120
Percentage	85%	15%	100%

The table 2 revealed that an overwhelming majority i.e 85 percent of the respondents agreed with the statements that khap panchayat are necessary for creating the feeling of brotherhood among the society. They put the example of their thali or chaupal which is the biggest chaupal in the Haryana. They also put the another example all the khap village consider the beti of all six villages as their own and honour them during the different rituals.

Table 3. Distribution of the respondents as per the statement “same gotra marriage should be banned”

	Agree	Disagree	Total
Response	120	00	120
Percentage	100%	00%	100%

The table 3 revealed that all the respondents agree with the statement that same gotra marriage should be completely banned. Same gotra boy and girl to be considered as brother and sister. That's why they are against same gotra marriage because it hampered the feeling of brotherhood. They also told that we the people of ujhana khap never married their son daughter of whose mother belongs to these six villages.

Table 4 distribution of the respondents as per the statement “Same village marriage should be banned”

	Agree	Disagree	Total
Response	120	00	120
Percentage	100%	00%	100%

The table 4 revealed that all the respondents agree with the statement that “Same village marriage should be banned”. People of the same village are like family members of a large family. Same village boys or girls are like brothers and sisters They strongly and proudly said that if we goes in a village in marriage or bhat of ours sister or buwa we gave the cloth and money as a honour of all the girls belongs to these six villages. It's a unique culture adopted by the all people living in these six village of ujhana khap

Table 5 distribution of the respondents as per the statement that “Honour killing is a criminals act and khap should avoid such decision.”

	Agree	Disagree	Total
Response	90	30	120
Percentage	75%	25%	100%

The present table 5 told that three-fourth majority (seventy percent) of the respondents agree with the statement that the step of Honor killing is completely a criminal act. Khap panchayats should not pass such kinds of decisions like Honor killing has no space in a cultured society. All the respondents agree that law should not be taken in hand by khap panchayats.

Conclusion: Although Khap panchayats have no formal power system yet, they are deeply rooted in the rural communities. They are working as a dispute resolution body, custodian of village culture and try to create the feeling of brotherhood among the rural communities. But there are some contradictions between social laws particularly related to marriage under Hindu marriage act. Due to this contradiction some of the decisions taken by the khap panchayats are illegal as per law. Sometimes the person indulged in an act of honor killing is honoured by the khap panchayats. Khap panchayats should abide by the existing rules and regulations. However these are socio-political pressure groups which try to maintain the ancient culture and its trends and faith.

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