

# KHAP PANCHAYAT AND WOMEN IN PRESENT SCENARIO: A SOCIOLOGICAL STUDY

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## **Abstract**

This paper discusses the women status the khap panchayat and explores the women status in as a group of khap panchayat. Khap panchayat is a panchayat of a particular caste and gotra also. Khap panchayat is a-panchayat of man who controls on family group and villages. The Khap Panchayat of man who controls on family group and villages. The khap panchayat means panchayat of villages who belongs to same gotra or clan and it's a collective patriarchal body using it's a collective strength for repressive ends rather than democratic ones and khap panchayat use this power as extra judicial bodies. How the khap panchayat taken the decision about the women exploitation and to keep them in subordination.

Hindu society also used the different methods from ancient time against women like ideology (pati-varta/sati savitri) law and customs physically punishment to control the women.

## **1. Khap Panchayat**

Suraj Bhan Bharadwaj introduced from the history of Sarv-Khap Panchayat by the unpublished handwritten Pothi of Pandit Kanharam, resident of village Shawm in Muzaffarnagar district. He discussed some historical record pertaining to Khap Panchayats in his pothi, The pothi was consists of sixteen written pages. Pothi describe the locations and dates of Khap Panchayat meetings. On the basis of Pothi record, the first meeting of Sarva-Khap Panchayat was held in the forest of Barautin Vikram Samvat 1252 (1195 AD). In this meeting decision was taken to raise an army against the attacks of Mohammad Ghori. Further, the Pothi suggests that another meeting of the Khap Panchayat was held in Vikram Samvat 1455 (1398 AD) in the forests of Chuagama, in the district of Muzaffarnagar. At present, this pothi is in possession of Chaudhari Kabul Singh of Shauram village in the district of Muzaffarnagar (Bharadwaj, 2013).

The Origin of the word 'Khap' is derived from 'Faank', meaning of 'Faank' is an offshoot or fraction. The 'Khap' word first time used in Rajasthan in the context of different sects of the Rajput ruling class. The first census report based on religion and caste was prepared in Jodhpur in the year 1890-1891, thereby dividing the people of India on the basis of religion and caste. Even the castes were divided on the basis of Gotras. The word Khap has come into existence in said census report. When it was translated in to Hindi the word class instead of being coined as 'Gotra' was termed a Khap. Different Khaps of the Jat caste have been described. Khap Panchayat means the Panchayat of the Villagers who belonged to the same Gotra, Thus, every different gotras had their own Khap Panchayats, Khap Panchayats believe themselves to be autonomous from the state and claim to

represent all members of that particular community (ibid: 47-48).

## 2. Meaning of Khap Panchayat

Khap Panchayat is a Panchayat of a particular area, caste and gotra also. Khap Panchayat is a Panchayat of man who controls on family, group and villages. Its rule does not come under the constitution. In this way its rule and decision are not legal. Gotra Chaudhary is the pradhan of Khap Panchayat.

"Khap Panchayats are a collective patriarchal body using its collective strength for repressive ends rather than democratic ones. The Khap Panchayats use this power as extrajudicial bodies. The Khap Panchayats are self styled decision makers. These traditional Panchayats mobilize a large number of people on the basis of family Kin, gotra, caste, Community and village including persons from outside the local area. Since these Panchayats are dominated by the powerful communities it is highly patriarchal in nature. Khaps people say that Khaps have been a part of their tradition and culture. It is a way of honouring their culture and the values their ancestors taught, In present, Khap Panchayats are mostly quasi political in nature and are being used as a tool to consolidate the power in the region. It is also the launching pad of politicians as by being an active member of the Khap leads to wider acceptability and exposure to the society as a person dedicated to peoples (Shaktivahini: 2013).

M.C. Pardhan says that the Khap Panchayat and Sarv Khap Panchayat, was a local beliefs it organized in 7<sup>th</sup> century by emperor Harsha in his last period of five year assembly at Prayag (Modern Allahabad). But from the written historical records it is evident the various Khaps were organized into the Sarv Khap Panchayat as early as 13<sup>th</sup> century. Various Khaps and the Sarv Khap Panchayat have written historical records going back several centuries. The chief historical sources are as royal mandated of Mugal emperors issued to various Khaps from Akbar time (1556-1605) to that of Muhammand Shah (17-19 : 1748) and personal accounts left by wazirs and Chaudharies of various Khaps: recorded\* minutes of Khap and the Sarv Khap Panchayat meeting front the 12<sup>th</sup> century onwards ( Pradhan, 1966:1821). In this way the existence and role of Khap Panchayat was first recognized during the Mughal period. Emperor Akbar even granted freedom to Khaps in matters of religion and: internal administration. They were exempted from taxes and the khaps were allowed to perform their internal functions with full freedom (Pradhan, 1966).

Dahiya differentiated between Khap Panchayat Gotra Khap Panchayat and Sarv Khap Panchayat. Gotra Khap Panchayat is a Panchayat of a particular gotra or Khap within large category of jats; and jats spread over wide area. Sarv Khap Panchayats is a Panchayat of many gotra. All gotras are also including in Sarv Khap Panchayat (Dahiya, 2010).

Sangwan divided Khap Panchayats into four categories as Sarv khap Panchayat, Khap Panchayat, Tappa Panchayat, and every day or Ubiquitous village Panchayat. The Sarv Khap Panchayat is the combination of numerous Khap but time to time, other Khap also participated in it. The participation of other Khap was unforced and it depend only invitation. The Khap panchatyat means Panchayat of villages who belongs to same gotra or clan, Tappa Panchayat is a group of villages or a group of villages known as Tappa or Kanni or Ganawad, These villages

organized a Panchayat, this Panchayat known as Tappa Panchayat, Tappa Panchayat only organized when Khap Panchayat's decisions are failed. Ubiquitous village Panchayat is that which is organized in every day or being everywhere at the same time that is called Ubiquitous village Panchayat (Sangwan: 2008).

K.S. Sangwan says that "the Khap can be defined as a unit of a number of villages organized into a political council for the purpose of social control. The Khap area was inhabited social control. The Khap area was inhabited either by a dominant caste that had control over most of its agricultural land, by a single clan or by more than one clan, each with a number of villages and being predominant in those villages, When a single clan have only few villages like four or five then other clans could also join into a common Khap for the purpose of their defence and control over their people. The Khap can be classified into the three types: (i) those based on a single caste and a single clan (ii) those based on single caste but multi gotra, (in) those based on multi caste and multi Gotra, its lay within that clan (Pradhan, 1966:144-115, cited in Sagwan", 2008: 336).

Khap Panchayat has many functions like umpire, judgment, rule, legislative body, executive body. These bodies make a control over human being. Khap Panchayat is not a legal body of judgment so its function also illegal. But, in grassroots level Khap Panchayat role is very dangerous in some aspects.

M.C, Pradhan defines the function of Khap Panchayat, Khap Panchayat work like adjudicative bodies and executive bodies in the governed area. The decisions of Khap are called the traditional Character because Khap Panchayat works as the traditional body of villages. The Sarv Khap Pancliayat Still functions as a legislative body when it meets for its formal session every five year, since its revival in 1950 (Pradhan, 1965).

R.S. Dhiya says that "the many social issues crying for our attention, on which the Khap Panchayats can play a positive role and on which till now they have maintained a resounding silence. Domestic violence against women, the scourge of female feticide, dowry deaths, the menace of drinking and drag addiction, the crisis in agriculture forced occupation of common lands, these and many more are issues with which we need to grapple on an urgent basis for they strike at the every roots of harmonious society" (Dahiya, 2010: 32).

Surangita Ray described the Khap Panchayts maintain the traditionally impose on marriage and customary, rule of marriage based on honour, biradari/ bhaichaara / brother-hood. Khap Panchayats not only restrict the choice for marriage partners but also strengthen forces ensuring the dominance and hierarchy of certain dominant castes and other social predicaments of increasing female feticide, declining sex-ratio,dowry system and illiteracy (Ray, 2010: 25).

### **3. Women Status in Rural Areas**

In present times Panchayati Raj Act (1992) are working in India. This amendment based upon three-tier system. In this system 33% reservation for women is mandatory in elected representatives. Panchayats on village level that is called gram Panchayat, block level Panchayat samitti and district level zila parisad also. The seats

have been reserved for the women by Panchayati Raj Act but in actual situation women do not participate a lot in Panchayats. This is also found in various study that if women is elected as representative than that power is exercised by their relatives or husband. But we can say that now scenario is changing.

Social stratification, tradition and<sup>1</sup> culture of Indian society are affecting the women's status. Women ignore all knowledge inhibition and subordination which is responsible for increase discrimination and pain about her (Mazumdar, 1982).

In India the subordination of women exist in every part of family life in all classes and castes. Women are dependent on men because men are mainly owning and controlling land and hold tenancies. Customary practices help to daughters from inheriting land except in the absence of male heritage. It is not right that a woman does not receive their property from her father when he dies. It is wrongly argued that women receive their share of patrimony at the time of marriage in the form of dowry (Kelker, 1985).

Women are facing many challenges of violence like rape, dowry death, sati, partha, murders, female infanticide, female feticide, child sex abuse, sex trafficking, incidents of 'acid throwing', sex scandals, etc. All these challenges are serious for women as human being. Many discrimination as physical violence, the neglect of the girl child, the gender differentials in access to education, food nutrition, health care, political participation also seen as violence (Goel, 2006).

The 73rd constitutional amendments declared the women participation should be at least 33% in the Panchayat, But the desired objective of women participation in Panchayat is not achieved, however some states (Bihar, Madhya Pradesh and Rajasthan) providing reservation of seats for women is step forward, but there is need to be followed up by necessary change.

Gender roles are generally patriarchal in nature. Wife and daughters are expected to be subordinate even subservient or slavish to their fathers and husbands and sons. Women's roles are restricted as a regardful daughter, an obedient wife and self-sacrificing mother. They are not expected to show any kind of autonomy and are supposed to work without complaint, Young women are not empowered both as women and through their youth. Any perceived rebellion against the traditional expected behaviour may be construed as a loss of "honour" and might result in coercion or violence perpetrated by the woman's biological family, ranging from bullying, and beating even to murder.

#### **4. Impact of Khap Panchayat**

On Women's Life Women have been a weaker section in Indian society. In Pre Vedic era women had equal rights. After that a downfall started in the status of women and its continued till British period, Britisher made some efforts to uplift the women's status like ban of Sati-Pratha, Paratha-Partha, child-marriage and promotion of widow- remarriage, equal rights, equal education etc to uplift the status of women in Indian society. In Indian mythological, the women were regarded as Devi and the sources of all inspiration but in practical they were deprived from right to education, right to property, right to freedom etc. All these discrimination and deprivation were justified by

religious custom and tradition. Thus there is no need to portrait women as Devi rather there is need to portrait women as equal human being. Because only human can have equal rights.

There have been different ways to exploit women and to keep them in subordination. Uma Chakravarti says that "Hindu society use different methods like ideology (Pativarta, Sati-Savitri), law and customs physically punishment to control the women. Hindu societies also give right to husband and king to keep women under control and subordination" (Chakravarti, 1993).

Khap Panchayats are collective patriarchal bodies, which function as extrajudicial body and hold political influence in the area. The Khap has been a system of social administration and organization in the north-western states of India (Pradhan, 1965). Khap Panchayat means the Panchayat of the Villagers who belonged to the same gotra. Thus, different gotras had their own Khap Panchayats. Khap Panchayats believe themselves to be autonomous from the state and claim to represent all members of that particular community. Thus in this way we can say that the Khap Panchayat is an autonomous body of caste in particular region (Bhardwaj, 2013),

##### **5. Impact of Khap Panchayat on Marriage Rules,**

Khap Panchayat is exploitative in nature. The major rule is that all boys and girls within the Khap are considered siblings and all are consider as belonging to the same gotra, and here one gotra is consider as siblings. Love marriage is considered taboo in the areas governed by Khap Panchayats. Those living under the Khap are not allowed to marry in the same gotra or even in any gotra from the same village.

Because all members of the village from the same age and gotra are consider as brother and sister. Many young couples had killed in the past defying Khap rules.

When boy and girl of same village, same Gotra that is same Khap commit marriage their only punishment used to be killing. This is called honour-killing. However, over the period these trends have softened a bit and social boycott of the guilty persons and their families have become the new norms.

Khap Panchayat takes many decisions related to area and people governed by the Khap Panchayat, In these decisions, some decisions are related to women and girls. Khap Panchayat also strictly restricts love marriage, inter-caste marriage, gotra- endogamy, village-endogamy, use of cell-phones and unescorted visits to the market to girls and women.

On 19 April 2011 in the Supreme Court a bench of Justices Markandeya Katju and Gyan Sudha Mishra took judgment about Khap Panchayat, in his judgment bench decided that Khap Panchayat in Northern India work as illegal body and the decisions taken by the Khap Panchayats are the reflection of Barbarian and feudal mentality (Supreme Court, 19 April 2011).

In rural areas of western Uttar Pradesh Khap Panchayat has been indigenous way of local administration but after independence and especially after implementation of Panchayati Raj System it was assumed that these Khap Panchayat would stop functioning but it did not happen. The Khap Panchayat is still playing an important role in rural life of western Uttar Pradesh, These Khap Panchayats take decisions related to women's issues like dress code, spouse selection, selection of



education institution, dowry, maintain of caste hierarchy and other patriarchal control in the society.

It is found that in some cases women do not agree with the decision taken by the Khap Panchayats. Bhupendra Yadav says that some dared to come out in public and demanded action against these Khap Panchayats (2009). This shows that the decisions of Khap Panchayats are being imposed on women.

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