

WAILS UNHEARD: THE WOMEN UNDER KHAP PANCHAYATS

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Abstract: Khap Panchayats, censured by the Supreme Court of India as the Kangaroo Panchayats, serves as matching to the judicial system of India. Before an effective judicial system came in to subsistence in India, these village courts were finding satisfying resolution for disagreements, deciding chastisement for misdemeanors and even resolving disputes around issues like marrying below castes. In post colonial India, their authority has become crucial to the degree that they wrangle with political parties and nowadays they have become disreputable for their rough-edged laws and rudimentary punishments. The worst sufferers of Khap panchayat judgment are women, quite logically, it goes to their credit that only women protested against them overtly and challenged their domination. Khap or caste Panchayats wield much more power than the statutory Panchayats in states like Haryana, western U.P and often order harsh castigatory measures against women. The main disparagement of Khap Panchayats, whom some political parties puffed up as the sentinels of Indian culture and practice, is that rights of women are not treasured. Khaps hold fast to impose antiquated perception of women's demureness and acquiescence to men on the position of patriarchal society. They put in force hoary patriarchal notions of the society and haul over the coals those who contravene them. Women are mistreated and their issues are never addressed. They have become less translucent in implementation, dictatorial and in divergence with the law of the land. Interrelationship between Culture and Women's Rights As far as India is disturbed, Khap Panchayats can be said to be exhibiting an interrelationship between culture, women's human rights and gender violence. Of the many reasons of such extra judicial bodies exercising their control in society, their main trump card is culture. They bring into play cultural practices that profoundly rooted beliefs and values held by men and often by women to make the later to conform to their orders. Khap Panchayats have been adopting this course to put into effect their wield, by assuming to themselves the role of social or community custodian. They ride roughshod over any notion of gender impartiality or gender empowerment that the Indian legal system provides. The paper intends to study the nature of the afflictions of women who are wheeled under these sham imitators to law.

Keywords: Honor Killings, Khap Panchayats, Patriarchy, Women Empowerment.

Introduction: Caste is not a physical object like wall of bricks or a line of barbed wire which prevents the Hindus from co-mingling and which has therefore to be pulled down. Caste is a notion; it is a state of the mind. - *B.R Ambedkar*.

An unlawful and undemocratic set up, which has drawn attention because of its brutalities inflicted on lower class especially women, Khap Panchayats are gotra based social organization with no historical roots. In India where women goddesses are worshipped, we witness the scenes where women are dragged to the streets. A group of illiterate and murky people, who believe that honor a society is vested in the vaginas of their women, do not hesitate to subject them to brutal rapes, for the guilt of their males. Women who have got independent mind, who fall in love, who seek pleasure outside their wedlock, who gets divorced from their merciless husbands, none of them will be escaped from the clutches of these fake custodians of law.

Khap Panchayats uphold the dictum of Manu that women should be protected by men in every stages of life and often the orders they give are degrading and mortifying to the women. Wielding the scepter of the Manu, they push women into pyre, often in the name

of honor killing. Wholly dominated by men and always suppressing the rights of women, in most cases with the silent support of political parties, they make pronouncements to ostracize those who go against the wishes of them. Their interference is visible in all walks of life and they make women's lives miserable by encouraging honor killing, prohibiting sagotra marriages and inter caste, inter religious marriages, restriction on wearing jeans top and ban on internet or mobile phone. They assume that they have got the right to take decision over the every affair of women ranging from their marriage to their costume, thus limiting their freedom, so that centuries of old male dominance and patriarchal set up of society will not be threatened due to increasing educational level of women.

The Khap Panchayats not only fight but also obstruct and put barriers to marriages which are not of their interests, breaks them up and forces the married-couples or soon-to-be brides and grooms to tie *rakhis* as brothers and sisters. If any couple declines to act upon with the diktat of the khap, then it not only forces a ban on all kinds of social communication with the families of the lovers or married-couples and ex-communicates them, but even goes to the extent

of slaughter the couples. Through organizing khap meetings and issuing various dictates with forewarning of aggression to girls are mechanisms to instill fear in minds of girls for sustaining control over female members of the community. They hold women responsible for the crime against them as by putting restrictions on them for wearing jeans top as it is said to have been provoking the boys. While India is witnessing technological revolution on one hand, Khap Panchayats are restricting the use of mobile phones by women. And they give a nonsensical justification for the same like the young girls will lose their moral values even before attaining the puberty, as they have easy access to internet and to watch pornography.

Khaps want to deprive women of their property rights, and deny them their paternal property on the false argument that usually after wedding girls shift to their husband house, they are free from all the liabilities and boys have to take care of old parents so property must be transferred in their favor. They know that by establishing control over women, property may remain in patriarchal domain. In order to ensure this they want their girls to marry several villages away so that it reduces the possibility of establishing claim over parental assets. After issuing an order restricting the mobility of women will further weaken their capacity to hold the land, even after that if woman claims her share in parental property, she is compellingly asked to transfer their share to male member of family, most of the times the male member is her brother.

But the most humiliating nature of Khap Panchayats is seen in their verdicts regarding the rape cases. They often instruct the rapist and their family to pay penalty to the victim of rape. In such cases rich criminals make smooth escape. Such instances of ironical dictatorship are the most encouraging for criminals who consider women as a toy for enjoyment and relaxation. In some cases Khap Panchayats have forced the girls to marry the rapists. But it is not in favor of the girl, but to save the culprit from the legal trials and imprisonment.

Many factors can be pointed out for this unquestioned sway of Khap Panchayats including the weakness of the elected institutions like Panchayati Raj. Though Panchayati Raj reserves 33% of seats for women, it turns out to be mere parody as the elected women candidates are nothing but mere proxies of their male matching parts. Though deprecated by the Supreme Court, political parties are offering unrelenting support to these illegitimate courts whose brutalities have no parallels. No political parties want to disturb their vote bank and keep silence over this matter. Moreover the delays that occur in providing justice to the victims also provoke people to rely on these autocratic and high handed

impostors of law. Girls are often brought up with the notion that they have to bear all suppression and remain subservient to men and these thoughts often lead them to accept all the decision taken by these socially and culturally influential people.

Most discriminative practices against women like female foeticide, honor killings, compromised marriages, child marriages, restricted mobility of girls, denial to property rights etc are high in areas where Khap Panchayats are much dominant and influential. The issues of rights for women, gender equality and gender sensitivity are mere hearsay in the territories ruled out by Khap Panchayats. According to census data, the child sex ratio in India was 927 girls per 1000 boys in 2001, which became 918 girls for 1000 boys in 2011. But in Haryana, where Khaps are dominant the number of girls per 1000 boys are 879. This data shows the deeply entrenched patriarchal ideals of Khaps, who wants to avoid even the birth of the girls so that they will not bring shame or dishonor to their family. Though inter-caste marriages have been validated in India by laws, and the women's right to enter into a marriage and her right to choose her partner are upheld by law, often these rights are violated by the patriarchal society. Marriage is an institution to control the sexuality of women and an instrument to maintain caste system. So those women who dare to fall in love and marry without the permission of their family are considered as the transgressors of the boundaries and for this crime of bringing inexcusable shame to their family, they are punished by men. This punishment may range from harrising and whipping to their ruthless killings. These murders are given sanction by the coldblooded rulers of Khap who take away their life with barbaric viciousness. Though Article 16 of the Universal Declaration of Human Rights guarantees the consent to marriage as a basic human right, Khap Panchayats deprive them of their rights. Leaders of Khap Panchayats sometimes issue orders for forced marriages where girl has to compromise with elderly, widower or even the person who had molested her sexually. Girls or their family cannot deny their order because it may result in the social boycott of family or even harder outcomes. Though legally prescribed age of marriage for girls in India is 18 years and for boys is 21 years, child marriages are still prevalent in different parts of India, especially Haryana and Western U.P. Khap Panchayats cling to the notion of honor and by marrying of girls in younger age, they think they can regulate the sexuality of girl and thus perpetuate their patriarchal dominance. Khap Panchayats stirred a hornet's nest saying that women should not ape men blindly and must not pull unnecessary attention through their revealing attire. They warn women that they should not cause trouble to others wearing dresses like jeans, skirts etc. Some Khaps keep

negative attitudes towards the education of girls as they think it will lure them into inter caste marriages. Caste is a malevolent existence in Indian setting even today, especially in the rural villages. Though Indian constitution has obviously explicated that the equal rights should be given for everyone, irrespective of religion, caste, color, creed, etc, even after the well illustrious seventy years of Independence, Khap Panchayats are significantly influencing and are capable of frightening people in the northern region. Khap Panchayats use violence as a machination of control and repression for creating an environment of fright so as to endorse local domination, undeniably by creating a culture of silence and compliance. By keeping Khap Panchayats breathing, Manusmriti is

placed above constitution by the admirers of these abusers of judicial system of India.

In the present globalised and technology based society, these obsolete and old fashioned laws, traditions and customs have no use, and women should be liberated from these fetters. No nation can achieve development without the active participation of women. The controversial decisions taken by Khap Panchayats have long term impacts on the society. The victims of the misrule of Khaps do not have the courage to go to raise their finger against these blind orders. The khap leaders are uneducated and stubborn and they can be made aware of the existing laws of the country through education.

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