

WOMEN AND COMMUNITY: A CASE STUDY OF KHAP PANCHAYATS IN HARYANA

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ABSTRACT

The Jat community in Haryana is a staunch believer and upholder of the male chauvinistic and misogynistic norms. This ideological background is maintained by the patriarchal surveillance of the Khap Panchayats or caste panchayats. The term paper focuses on the three pillars of politics of control, honour and progress, that assist in the stable existence of a “gendered homeostasis” and a “parallel state” in these panchayats, despite the constant struggle and challenges against these ‘kangaroo courts’, which according to the supreme court are ‘wholly illegal’.

INTRODUCTION

In 2004, when Chetan eloped with Pinky, the daughter of an influential Yadav family, the Tevatia Khap ordered the gang rape of the former’s mother as a vindication to the dishonor brought to the Yadavs ; In September, 2006, the Bombak Khap declared the newborn to Pawan and Kavita as illegitimate, due to their Sagotra marriage and sold their baby to a childless couple and forced the parents to live as siblings ; On 14 June, 2007, Manoj and Babli of Banwala Jat community in Karore village, were brutally executed on grounds of committing a sacrilege i.e. marrying within the same clan ; In 2007, the Ruhul Khap banned DJs from playing in marriages as ‘cows can’t sleep at night and it becomes difficult to milk them in the morning. Women, who used to stay in-door, started dancing publicly. This is against our tradition’; In 2007, Daadan Khap issued a diktat claiming the ban on cricket as ‘cricket leads young boys astray’ as they ‘fight and gamble on match’; On 9 May, 2008, Om Prakash along with nine others, tied the hands and legs of his pregnant daughter and her husband, Jasbir, and ran them over by a tractor for their crime of incest; In October, 2012, the Thua Khap panchayat blamed the consumption of fast food for the growing incidents of rape as ‘chowmein leads to hormonal imbalance evoking an urge to indulge in such acts’; In October, 2012, Sube Singh, a Khap representative argued his case in favour of abolishment of any minimum age limit for marriage as ‘boys and girls should be married by the time they turn 16 years old so that they do not stray ‘ and this ‘will decrease the incidents of rape’; In February 2013, a Khap panchayat in Haryana, Hissar district, forced a couple to live as siblings on pretext of their same lineage; In 2013, two new retrogressive fatwas have been issued against marriages at night and jeans for women and the reason for the latter is the provocation and invitation to lewd comments and eve teasing.

These retrogressive and unconstitutional parallel law enforcing agencies, colloquially addressed as 'Khap Panchayats', have thus, assumed the position of legislators, executors as well as adjudicators of retributive justice, in the villages of Punjab, Western Uttar Pradesh, Madhya Pradesh, Rajasthan, rural areas of National Capital Region and most predominantly, Haryana.

These caste panchayats have emerged as extra-constitutional bodies, which under the guise of maintaining and upholding honour of the community, formulate conservative diktats and fatwas based on patriarchal norms and principles. The aim of this essay is to bring forth an establish the chauvinistic as well as the misogynistic structure of this extra-judicial body, its ideologies, its attempt to uphold 'izzat' under the paradox of the 'politics of honour' i.e. performing dishonourable acts to maintain dignity and self respect, and its attempt to subordinate and exploit women, by making 'personal, the political', through the 'politics of control and progress'. This paper would also focus on the prevalent counter alternatives that pose a threat to this 'parallel state' i.e. Khap Panchayats.

TRADITIONAL IDEOLOGICAL FRAMEWORK AND CULTURAL ETHOS

The relationship between gender and community, within the villages of Haryana, are deciphered with the help of various ideologies and traditional practices. These fundamental norms are dominated by the orthodox and conservative framework of the 'biradari'. The telos of these principles is 'izzat' (honour) rather than 'eudemonia' (happiness) or justice, which eventually culminates in rigorous criminalization and lumpenization in the working of the community, especially under the dogmatic diktats issued by the respective patriarchs. 'Bhaichara' is one of the founding norms in this region and it prevents the villages from spreading or emigrating, by ensuring its close knitted setup at any cost, thus resulting in their further entrenchment and penetration into these misogynistic organizational rural setup. This brotherhood is established and standardized through the blind adherence to the customs, regardless of their redundancy and obsolete nature, their forceful propagation among the future generations and the willingness to imbibe the new practices formulated by the senior male members of the community, who are considered to be veteran, learned in terms of experiences and are relatively literate. Consequently, the aspirations of the community overpower that of the individual, posing a direct threat to the liberty of the individual. The annihilations done in these regions are often based on the grounds of the challenges that individuals pose by exercising their respective dreams and inevitably dishonouring the dreams of the community at large.

In 'On Liberty', John Stuart Mill propounded upon three distinct types of liberties for ensuring the advancement of the quality of life and standard of living, both moral and mental, of the people. These three liberties were the freedom of thought and expression, liberty of action and liberty of association. Unfortunately, all these rights are thwarted by the societal norms prevalent among the communities in Haryana. The obstructionist attitude of the caste system and the equally

disintegrating nature of the kinship principles has led to the demolition of the idea of equal provision of liberties for both the genders (not to mention the complete negligence towards the 'third gender'). The interaction between caste, class and gender, as portrayed by Prem Chowdhry, resulted in cultural codes which in turn generated twin challenges for women. On one hand, the young male members of the community were suppressed by the senior male members, regardless of their caste orientations, and on the other hand the patriarchal surveillance ensured the control over the sexuality of females, by laying down the parameters and boundaries on maintenance of their purity and status. Women were hence a victim of double subordination and drudgery due to their constant exploitation by the male members and their confinement to the four walls of the domestic.¹ Their freedom of speech, action and association was constantly restrained by not only the male members of the community, but also by the senior female members, primarily the mother-in-laws within the familial realm.

The status of women is continuously deteriorating, both in the rural and urban areas and the common reason for this degeneration is male domination. The degree of social, psychological and physical downfall of women is rampant due to the lack of opportunities available to them, in terms of literacy, agency or choice, property ownership and inheritance, self-respect, sexuality and participation in the public domain. Even if these fields are inclusive in nature and open for exercise, a retrogressive body constantly embarks on the idea of constricting their degree of participation and freedom. One widespread example of this is the practice of 'ghunghat' (veil). Though, on one hand, there is a multiplication in the participation of women in economic activities of the village community, on the other hand they have no choice but to observe 'ghunghat' in order to uphold their dignity and commit themselves to the 'Dehat' (rural) ideological foundation, thus abiding by the social protocol of 'sharm-lihaz' (modesty and deferential behavior), rather than being defiled as 'besharm' (shameless), 'nangi' (nude) and 'badmash' (loose character)². In order to appease the community, the married women in Haryana and Western Uttar Pradesh, predominantly, observe the veil before the senior male household members along with their female counterparts. Accruing to this logic, the youngest married female of the family is obliged to observe the purdah from all the adult members, while the eldest, most often the mother in law or grandmothers, are exempted³. The rationale behind this project of 'purdah' was man's domination over women and the seclusion and inferiority of the latter. Furthermore, the idea of modernity brought about by the forces of commercialization, urbanization and consumerism in congruence with the legal advancement

¹ Prem Chowdhry, Enforcing Cultural Codes: Gender and Violence in Northern India, Economic and Political Weekly, Volume 32, Number 19 (May 10, 1997), pg 1019 – 1028, URL: <http://www.jstor.org/stable/4405393>

² Prem Chowdhry, Persistence of a Custom: Cultural Centrality of Ghunghat, Social Scientist, Volume 21, Number 9/11 (September, 1993), pg 91- 112 ,URL: <http://www.jstor.org/stable/3520428>

³ The researcher herself has witnessed the implantation of these norms in her own native village in Gorakhpur (Uttar Pradesh). The women in the village are confined to the household and have to observe 'purdah' at all times, even inside their rooms. The only time they are exempted from this social custom is when they are in the company of women, children, their spouses or the in-laws younger to them.

through acts like the Hindu Marriage act and the Hindu Code Bill of 1955, increased the anxiety among these 'male guardians' with regards to these modern and progressive alterations, thus instigating them to enforce the 'ghunghat' more ruthlessly. This convenient linkage drawn between the honour of the community and the women is one of the fundamentals for their subordination.

John Locke, in his writings, promulgated the concept of the respectful observance of the three natural rights of life, liberty and property, to be assigned to both men and women on the common and universal grounds of rationality and humanity, despite the subsequent contentions in their application. The Hindu Succession Act of 1956, provided women with the right to property ownership i.e. the right to the assets of her paternal lineage. This right was counterfeited by the societal norms of the village community, where the property of the husband was extended to the wife and daughter in name, but not on formal legal grounds i.e. on paper. In this realm of property rights, the misogynists incorporated gender in terms of prohibiting families with less than two male offspring, from approaching the Khaps for rectification and resolution of their grievances, as it was believed that the distribution of property rights accrued to the male offspring/s only. According to a member of the 'Tevatia Khap', 'Sons are a man's assets. My sons will take my name forward and expand my farms. They will earn money to pay for this girl's dowry and marriage'⁴. This very argument depicts not only the treatment of girls as liabilities and sons as assets or investments, but also the prevalence of dowry in the region. One inevitable outcome of this is the practice of female foeticide, which culminated into adverse sex ratio and also the subsequent increase in the percentage of unmarried men. This status of being unmarried, is often viewed from the patriarchal lens as a symbol for impotency and lack of masculinity⁵, often resulting in them being addressed as 'na-mard' or emasculated. This often becomes a trigger for the procurement of education and employment by men, so that they are perceived as suitable boys and prospective grooms and are able to ensure a suitable marriage for themselves i.e. a marriage with large dowry. Thus, patriarchy has an internal and complicated mechanism (not to be confused with the colloquialism of 'karma,' despite the interwoven irony) of harming their perpetrators as well.

In addition to this idea of the status of man at the marriage front, the 'biradari' has further led to the marginalization of the unemployed, and this has subsequently led to the increase in suicides and crimes among males. According to Prem Chowdhary, vernacular insults like 'Mard ka khasam Rozgar' (A man's lord is his livelihood) and 'Mariyo marad nikattu' (Unemployed men are better dead), incite these men to commit such offences. Their masculinity is further challenged by placing the onus of providing a child to the family, on the man, though women are a universal target and are often abused by being termed as 'baanjh' (barren or infertile). This de-sexualization of both men and women in these communities of Haryana, instigate the former to indulge in two regressive practices.

⁴ Neha Dixit, A Taliban of our very own, Tehelka Magazine, Volume 6, Number 32, (August 15, 2009).

⁵ Prem Chowdhry, Crisis of Masculinity in Haryana: The Unmarried, the Unemployed and the Aged, Economic and Political Weekly, Volume 40, Number 49 (December 3, 2005), pg 5189-5198 URL: <http://www.jstor.org/stable/4417491>

Firstly, it results in trafficking of girls from all around the world to these backward regions, in order to fill up the gap created by the adverse sex ratio and also to provide brides as baby producing machines to the men of this region. This leads to ‘dubious marriages’⁶ as the brides are purchased from poor families, by ‘dalals’ (touts) and sold to lower castes and lower class males, who are unable to get married due to a variety of reasons i.e. health disability, age, poverty and unemployment. These girls are often brought from Orissa, Bengal, Mizoram, Assam, Bihar and Nepal. They often do not know the language and cultural practices in Haryana and therefore witness severe isolation and alienation due to minimum communication and association. These marriages are illegal unions and often difficult to prove, which is a further point of degeneration for these women and their offsprings. Secondly, these men, in order to voice their opinion and surpass their inferiority, become the major supporter and implementer of the decisions of the Khap Panchayats. They often take recourse to violence as they believe that this will provide them honour, by punishing the dishonorable men and women who marry within the same gotra. Thus, the aged and the senior male members enter into nexus with these unemployed and unmarried men, as both are similar on the grounds of marginalization and diminished masculinity, and this leads to the imposition of patriarchal and orthodox rules on women so that both are able to ensure one’s power over some other vulnerable group.

KHAP PANCHAYATS AND ‘GENDERED HOMEOSTASIS’

In antiquity, the rural North India was characterized by four kinds of traditional Panchayats i.e. caste Panchayats, village multi-caste Panchayats, farmer-retainer Panchayats and single purpose Panchayats. These traditional Panchayats dealt with the four cornerstones of rural life i.e. ‘aikya’ (unity), ‘izzat’ (honour), ‘biradari’ (community) and ‘bhaichara’ (brotherhood)⁷, as depicted before. One such traditional panchayat was the ‘Khap Panchayat’. The origin of the word ‘Khap’ is from ‘faank’ meaning an ‘off-shoot’ and it denotes a unit of 84 villages or 12 ‘thambas’ (one thamba is a group of seven villages). At a higher level, a ‘Sarv Khap Panchayat’⁸ or All Caste Council is organized comprising of 300 khaps from Haryana, Western Uttar Pradesh, Punjab, Madhya Pradesh and Rajasthan. A fundamental attribute of this panchayat is its ‘Gotra’ system. The term ‘Gotra’, according to R S Sharma, stands for ‘gaushala’⁹ or ‘cow pen’ and people of a single ‘gaushala’ were of a single common gotra in a Rig Vedic society. Thus, the ‘Gotra’ is an exogamous patrilineal clan

⁶ Ibid, pg 5195

⁷ Bhupendra Yadav, Khap Panchayats: Stealing Freedom?, Economic and Political Weekly, Volume 44, Number 52, (December 26, 2009), pg 16- 19, URL: <http://www.jstor.org/stable/25663922>

⁸ Stig Toft Madsen, Clan, Kinship and Panchayat Justice among the Jats of Western Uttar Pradesh, Anthropos, Volume 86, Number 4/6, (1991), pg 351 – 365
URL: <http://www.jstor.org/stable/40463659>

⁹ Suraj Bhan Bharadwaj, Myth and Reality of the Khap Panchayats: A Historical Analysis of the Panchayats and Khap Panchayat, Studies in History, Sage Publications, 2012,
URL: <http://sih.sagepub.com/content/28/1/43>

whose members share a partilineal descent from a common ancestor (In Kerala, it is matrilineal). These gotra determine the familial background as well as the marriage prospects of an individual. The three principles in relation to these are:-

- ‘Sagotra’ or marriages within the same gotra are forbidden as people from the same lineage are considered siblings. Often, ‘Dhatu’ i.e. adoption of the bride by the family of a different gotra e.g. maternal uncle, is allowed for her ‘Kanyadaan’ i.e. gift of the virgin.
- Marriages between different gotra are prohibited if the boy and girl belong to the same village or physically adjoining villages.
- Inter-caste marriages are a taboo.

It is for this very reason that the Khap Panchayats, especially in Haryana, demand for the amendment of the Hindu Marriage Act of 1955, which permits both Sagotra and inter-caste marriages. The Khaps, therefore challenge these marriages as incestual i.e. sexual relations between close family members like parent–child and brother-sister and are only applicable to animals which lack higher cognitive abilities and developed language.

The Khap panchayats are extra constitutional and ‘illegal’ bodies, as upheld by the Supreme Court that thrive on a male dominated or patriarchal organizational framework and ideology. The prerogative of these traditional adjudicating bodies is to maintain and propagate the honour of the community by ensuring the strict compliance of the residents to the unwritten social norms and customs. Any violation and transgression of these conventions are met by harsh and regressive punishments, in order to ensure justice, through retribution, as well as setting example so that others can learn a valuable lesson and deter from disobeying in future. There is more to this than the mere exercise of power, in the form of punishments on the rule breakers. This will henceforth be known as the *‘Politics of Control’*. The gendered lens of the community often perceives women as the accountable beholders of ‘izzat’ as well as shame and dishonor. The onus of social order is therefore, laid on women and their behaviour and the men presume the role of protectors. The latter control women’s lives and practices on grounds of their presumed physical and emotional vulnerability. This leads to their perception as dependent beings who are weak and get easily swayed by natural bonds of love, thus, challenging the cultural codes of both clan and caste and urging the male to prevent and rectify these blunders by either excommunicating the wrong doers or annihilating them altogether.

This politics of control also embarks on threatening and punishing women transgressors, in order to prevent the repetition of such acts in future (and in order to ensure that the punishment acts as a deterrent, its intensity and severity is often off limits) e.g. in 2004, Sia Dulari, the mother of Chetan, who eloped and married Pinky of the Yadav community, was gang raped and burnt alive by the latter in order to rectify the dishonor brought to their clan as well as to set up an example for the future generations. Thus, the transcendence of the biological kinship norms results in the

embracement of all females and males in the village into one generation and lineage, resulting in them being regarded as 'bhai- behan' (brother- sister), subsequently providing the former the right to control the latter 'weaker sex' by assuming a protective responsibility. This high magnitude of control through continuous domination, often instigates the victims to self-inflict violence by committing suicide in the aim of attaining spiritual and eternal freedom. Thus, the politics of control works at two levels i.e. protection and retribution or punishment. The control over the sexuality of women is also a major concern and would be explained later in the paper, under 'politics of progress.'

One striking attribute of the Khap Panchayats behind their mechanism of retributive and reparative justices is the '*Politics of Honour*'. The izzat of the biradari is transgressed on a number of occasions as discussed earlier, but the most prominent among these are 'sagotra' and 'runaway marriages'. The Jat community prohibits marriages within the same partilineal clan and follows a 'Four gotra rule'¹⁰ i.e. no marriage between the boy and girl who share the same gotra of their father, mother, father's mother and mother's mother. The couple therefore often elopes. In order to check these practices, the caste panchayats issue erratic diktats and barbaric fatwas against the violators. The punishments to these vary from fines, ritual expiation, public humiliation (blackening of face, rubbing of victim's nose in the dust, stripping, shaving of head, dipping victim's nose in urine, forcing them to host a grand feast in order to exhaust their resources and wealth), subjecting the couple to physical and verbal abuse, banishment or social ostracism from the community and most ruthlessly, annihilation or execution, often termed as 'honour killing'. These caste panchayats prevent the traditional value systems from eroding through the exercise of this power by senior male members over the younger males and females alike. It also denotes the politics of control under the garb of guardianship, where miscegenation (mixing of caste) and hypo-gamy (union between a high caste woman and low caste man)¹¹ are severely condemned. Thus, upper caste politics also ensures the control over the sexuality of women in the name of safeguarding their honour. Under the cases of runaway marriages, the state colludes with patriarchy in controlling the females and maintaining the cultural codes by typically type-casting these marriages as kidnapping, abduction and forced or compelled marriages. This nexus thwarts the consent of the women completely and lets the male guardian be judge as to whether these marriages are legit or illicit. Apart from this, often derogatory remarks, signifying the intention of the girl as the satisfaction of her sexual lust leads to her characterization as promiscuous and lustful. These cases stress on the criminalization of woman's sexuality, outside her marriage and challenge her autonomy over her life and body. The judicial and extra judicial coverage is a shield to prevent the so called dishonor that would be brought upon the woman and family.

¹⁰ Bhupendra Yadav, Khap Panchayats: Stealing Freedom?, Economic and Political Weekly, Volume 44, Number 52, (December 26, 2009), pg 16- 19, URL: <http://www.jstor.org/stable/25663922>

¹¹ Prem Chowdhry, Enforcing Cultural Codes: Gender and Violence in Northern India, Economic and Political Weekly, Volume 32, Number 19 (May 10, 1997), pg 1019 – 1028, URL: <http://www.jstor.org/stable/4405393>

The 'politics of honour', on one hand, promotes the idea of 'izzat' by prohibiting 'sagotra' and inter-caste marriages, but on the other hand, adopts dishonourable practices to ensure that these norms are not violated. Sometimes other unique mechanisms or techniques are crafted for reinstating honour like beating the couples and forcing them to tie 'rakhi' (a symbol of being siblings) and forcing them to live like siblings and selling their child to a child-less couple. According to the Indian population statistics survey, the percentage of honour killing in Haryana is 35% and more than 1000 cases of honour killings occur every month.

A third conception for understanding the relationship between gender and Jat community, under the dominion of the Khap Panchayats, is the '*Politics of Progress*'. The chief minister of Haryana termed the state as a 'happening state' on the pretext of its attempts towards inclusive growth and socio-economic development. But, in reality, on removing the veil, it can be witnessed that the community is laden with retrogressive ideologies, duly sanctified by the Khaps. With its aim of holding the ideals of the community, over and above the individual, the Khap passed barbaric regulations which degraded the status and position of women as well as girl child. It extended its control from the public to the private domain in order to incorporate the productive as well as the reproductive labour within its domain. The patriarchal lens of these traditional organizations perceived the sons as future financial support, old age security, property inheritors, dowry accumulators, family lineage, upholders of prestige and power, performers of birth and death rituals and believers and followers of religious rituals and salvations. In opposition to this, the girl child was perceived as a liability, resulting in certain cruel practices to dispose of this burden. The development in the field of medicine has led to three measures in pre-natal diagnostic tests for pregnant women and these are:-

- a. Amniocentesis (normally performed after 15 weeks of pregnancy)
- b. Chorionic Villus Sampling (10th week of pregnancy)
- c. Ultra sound (12th week of pregnancy)¹²

Thus, technology which was ideally invented to detect genetic abnormalities was now being used for the illegal detection or determination of the sex of the foetus, despite the Medical Termination of Pregnancy (MTP) Act of 1972. This has ultimately resulted in the clandestine practice of selective abortions and the adverse sex ratio of 879 females per 1000 males in Haryana (2011).

The skewed progress in gender equality, rural Haryana, is prevalent in terms of 'double discrimination' faced by women with disabilities due to the traditional gender roles and expectations. According to Nihila Mehlotra, disability in the village community is a cultural construct and these

¹² Sayeed Unisa, Sucharita Pujari and R Usha, Sex Selective Abortion in Haryana: Evidence from Pregnancy History and Antenatal Care, Economic and Political Weekly, Volume 42, Number 1, (January 6, 2007), pg 60 – 66,
URL: <http://www.jstor.org/stable/4419111>

individuals are stereotyped as hot tempered, impatient, sexually impotent and unreliable. Verbal insults like ‘Surdas’ (visually challenged), ‘langdi’ (limb deformity) or ‘bawali’¹³ (mentally challenged) are used and these have negative repercussions on their lives. The anti-women attitude and strong male preference is further depicted in the desire of the parents of the disabled girl child to anticipate her death as she is a double burden; firstly, she is a liability and secondly, functionally disabled. Another major patriarchal set up is the gender based functional distribution of labour, in the household, in context of the familial responsibilities to the disabled member. The mother and female relatives attend to the physical and emotional need of the child, while men take up the responsibility of medical treatment. As women are socialized in traditional gender roles, some concessions are provided to the disabled in terms of heavy work, but still no special care is extended towards their physical and mental disabilities. The flaw behind this is the equal treatment of the disabled without deciphering that sometimes equal treatment of unequal individuals lead to inegalitarianism. The prospects of these women in terms of marriage and motherhood are marred by the community which has already constructed their image as incomplete. These women are married off to men who are either extremely aged, unemployed or already married, so that the ‘burden’ of the family is done away with. In this realm of marriage, an interesting practice is the marriage of the disabled women in the same household as her sister¹⁴. But, without the adequate use of foresight, the family neglects the areas which result in two disadvantages i.e. the constant dependency and lack of self respect, for the former and the multiplication of the amount of work for the latter, along with no considerable help from the in- laws.

In addition to this misogynistic attitude, the Khap Panchayats in the guise of promoting education for girls interestingly try to check it by issuing diktats. One such rule is against the idea of co-education i.e. girls and boys studying together within the boundaries of the same institute. Apart from this, the arguments and justification provided by the Khap panchayats against the usage of mobile phones and the wearing of Western attire by girls are strategically rudimentary as they create correlation among progress (which according to their perception is unwanted and degrading) and the purity and chastity of the girl. Furthermore, they use threats like social boycott and ex-communication, to ensure checks and virtual ‘ghunghats’ for women, in all fields. It is because the perseverance of these activities that the literacy ratio, according to the 2011 census, is 85.4 percent for men and 66.8 percent for women, with the literacy gap of 23% which is more than the national average of 21.68%. Thus, under the ‘politics of progress’, attempts towards development are made, but are jeopardized due to retrogressive ideologies at the background, thus robbing the former of the opportunity for any substantial progress.

¹³ Nihila Mehlotra, Women Disability and Social Support in Rural Haryana, Economic and Political Weekly, Volume 39, Number 52, (December 25, 2004), pg 5640 – 5644, URL: <http://www.jstor.org/stable/4415982>

¹⁴ Ibid, pg 5640 – 5644

These three frameworks i.e. the ‘Politics of Control’, ‘Politics of Honour’ and ‘Politics of Progress’, of understanding the labyrinth among gender, traditional authoritative institutions, caste and class analysis, have mutually culminated in a ‘gendered homeostasis’. Homeostasis stands for a system’s ability to maintain its internal environment by controlling its properties. Similarly, the Khap Panchayats uses mechanisms of control, both in terms of formulating and implementing self degenerating patriarchal laws within its respective territorial domains. These institutions also take recourse to ruthless and callous reparation and retributive mechanisms, in order to ensure the complete adherence to these regulations, by all the members of the ‘biradari.’ The goal which this homeostasis tries to achieve and stabilize is the attainment of honour, which has a positive connotation for men and a negative manifestation on women.

POLITICS OF EXCLUSION

The local self government, which emerged after the political decentralization through the 73rd Amendment of 1993, dealt with the segment which provided one-third reservation for women. Since the past two decades, continuous attempts are being made to ensure 33% reservation for women at the national level. Paradoxical to this, the anti-women and restrictive democratic structure of the Khaps has challenged the entry and inclusion of women in the political domain, in terms of legislating laws and adjudicating justice, as these are confined to the senior male (veteran) members of the community. Both systems of upper caste and patriarchal set up, repeatedly impose this ‘Politics of Exclusion’ and are often granted support by politicians, like Om Prakash Chautala, Chief Minister of Haryana 2004, who said ‘*whatever the (caste) Panchayats decides is right*’, on grounds of expansion of their vote banks; the married and unmarried, employed and unemployed male members; and the senior female members. These political patriarchs are so powerful that they twice passed the legislation to deny women equal inheritance of parental property in 1967 and 1979, despite the fact it was rejected both the times. According to Prem Chowdhary, during that time, Sushma Swaraj was one of the four women legislators and even she failed to revolt as the resolution was passed ‘unanimously.’¹⁵

According to Mary E. John, a major issue concerning woman and politics was the idea of ‘proxy’ participation¹⁶. Under this, the inclusion of women in political institutions was often on grounds of nepotism, where the real power was vested in their male guardians and the women only acted as a face. It was an issue of men’s presumed autonomy in politics versus women’s dependent

¹⁵ Bhupendra Yadav, Haryana’s Setting Daughters, Economic and Political Weekly, Volume 36, Number 45, (November 10, 2001), pg 4257- 4259, URL: <http://www.jstor.org/stable/4411348>

¹⁶ Mary E. John, Women in Power? Gender, Caste and the Politics of Local Urban Governance, Economic and Political Weekly, Volume 42, Number 39, (September 29, 2007), pg 3986 – 3993, URL: <http://www.jstor.org/stable/40276476>

and place-holding status. This idea of tokenism and isolation of women participants was visible in the Khap Panchayats also and it led to an urge for reservation i.e. the 'critical mass,' of presence of minimum 1/3rd women in political bodies, in order to carve a niche for themselves and ensure some amount of progressive change in their status and life. But, a doubt will always persists as to how these reservations will ensure the actual participation of these women, keeping the male dominated arrangement in mind.

ALTERNATIVES TO THE MYOPIC VISION OF THE KHAP PANCHAYATS

The Khap Panchayats have gradually established a strong hold in various rural regions and the most daunting among them is Haryana. They have gradually acquired the status of a '**parallel state**' i.e. a parallel law making, executing and adjudicating agency comprising of its respective institutions and management protocols and maintaining its authority within a particular territorial jurisdiction. The myopic vision of these parallel state-like bodies in areas pertaining to development, progress, and division of labour, education, child birth, cultural practices, laws, religion, caste divisions and many other fields has led to the emergence of multiple challenging alternatives, but none of them are strong enough to dislocate its locus of power. These alternatives are often in the form of legal provision and pronouncements by the highest law adjudicating body i.e. the Supreme Court; the Non-Governmental Organizations along with agencies like Shakti Vahini and Janwadi Mahila Samiti¹⁷; provision of new protection homes by the government for the runaway couples; use of drama (street plays), poetry, scholarships, documentaries and media to challenge the practices of the Khap Panchayats; invocation of Human Rights by both international and intra-national agencies in order to pose a threat to the very existence of these traditional systems.

Paradoxically, some bodies have also emerged in support for these cultural institutes. Apart from the political backing of Khaps from the politicians of those specific regions in lieu of increasing the votes of the latter, the founder of the prominent organization working for the democratic reforms that promote social justice especially with reference to women, called the Manushi Sangathan, has also stood up for the Khap Panchayats. This renowned figure is Madhu Purnima Kishwar and she is the head of Manushi: A Journal about Women and Society. Contrary to popular expectation that deems to completely destabilize the very existence of the Khaps, Madhu Kiswar has propagated the fundamental right to speech and expression for these institutions. She exclaimed that 'There are plenty of tyrannical police officials, plenty of incomplete and corrupt judges in India who pass very retrogressive judgments. But no one says ban the police and law courts. By what right do they demand a ban on khaps, simply because some members have undemocratic views?' She said that a 'Vital role played by these age old institutions of self governance'. She supported the diktats of the khaps by saying that these were not 'Talibani' or

¹⁷ Bhupendra Yadav, Haryana's Rising Critical Insiders, Economic and Political Weekly, Volume 35, Number 50, (December 9, 2000), pg 4383- 4385 , URL: <http://www.jstor.org/stable/4410051>

autocratic as people were included in decision making. But, the question that arises here is that were they? Only the senior male members and veteran leaders of the community were permitted to pass judgments and not the community at large and therefore, the above mentioned justification of Kishwar is not free from criticisms.

Furthermore, in 'A Question of Balance', Madhu Kishwar, in reference to sagotra marriages, said that 'why should we compel people to discard practices and kinship values simply because they are traditional, as long as they do not impose those values through violence'¹⁸. This very statement provided the basis for counter arguing against the codes of the Khap Panchayats as they often took recourse to violent methods and callous punishment mechanisms to actualize their goal of maintaining 'izzat', by performing activities which were actually dishonouring in the contemporary sense. Thus, the claim made by this prominent figure to recognize 'our native system' is itself laden with flaws and regressive argumentation which is not free from counter challenges.

Thus, these Khap Panchayats which act as a parallel state in themselves, are a blot on the Indian cultural front and pose a threat not only to infrastructural development, cultural advancement for men and women alike, literacy, standard of living, rule of law, but also to the very concept of 'reason' and will continue doing so if not tackled, immediately; not disregarding the fact that this tackling can be tricky!

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¹⁸ Madhu Purnima Kishwar, A Question of Balance, The Times of India, (May 18, 2010)

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