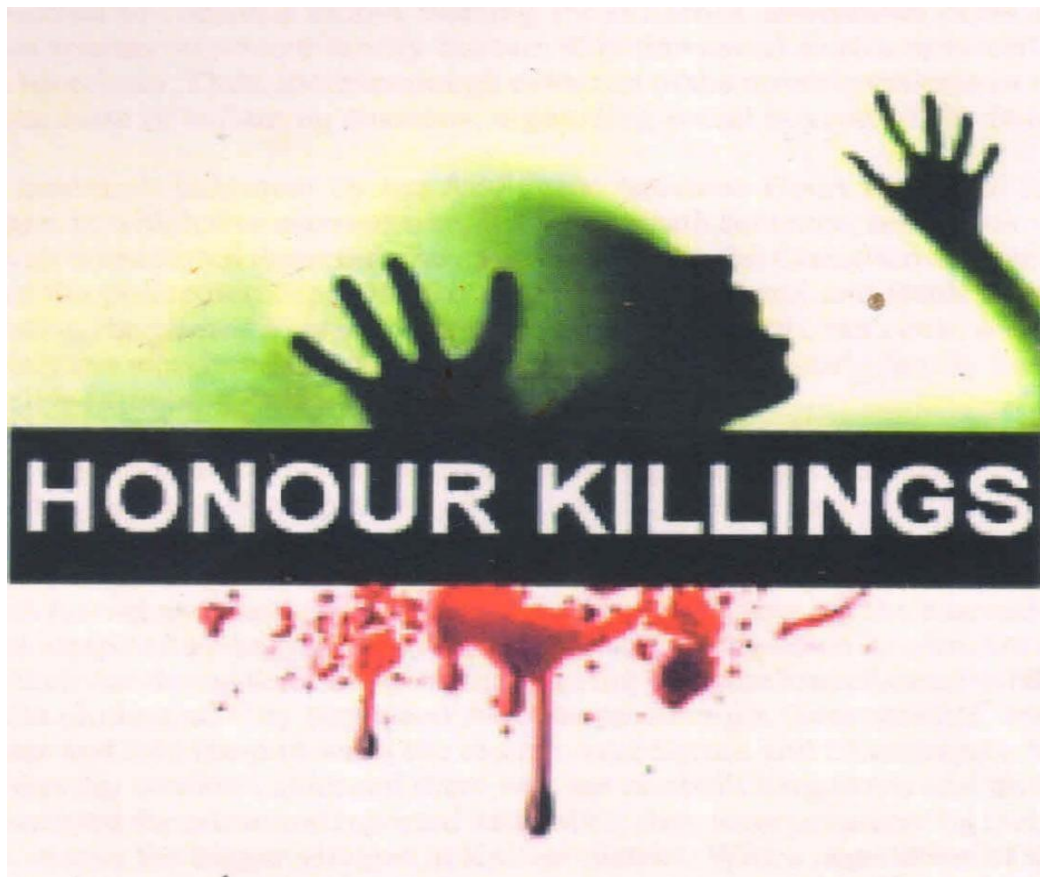


## ROLE OF KHAP PANCHAYATS IN HONOUR KILLING WITH SPECIAL REFERENCE TO MANOJ-BABLI CASE IN HARYANA



**Preeti Malik**

**Assistant Professor, C.R. Institute of Law, Rohtak**

**Abstract:** *In Haryana, the Khap Panchayats that form the parallel judicial system have tacitly encouraged honour killings for years. Couples who marry within the same gotra are the primary target of honour killings, given that marrying within the gotra is considered as heinous as incest, Gotras are considered to be consanguineous bloodlines. The Khap Panchayat is a clannish organisation, now largely a Jat outfit, with bhaichara (brotherhood) as its reason of existence. All its members are supposed to be blood relations. This led to several marital taboos- no same-gotra and same-village marriage, no marital alliance between neighbouring villages even if they belong to different Khaps. There are several gotras of Jats bound by bhaichara and no inter-gotra marriage is permissible in these cases. Then, there are several other marital restrictions too. This has made marital alliances difficult now, especially in view of the highly skewed sex ratio in Haryana. Brides are bought from distant places to meet the deficit and no one bothers about their gotra and caste.*

**Keywords:** Honour killing. Khan Panchayats, laws, Human Rights, justice.

## INTRODUCTION

In Haryana today, rapid capitalist transformation is accompanied by a regressive feudal consciousness. As education and political awareness spread among Dalits, women and backward sections, alongside there is a massive consolidation of caste (Khap) panchayats in defense of the status quo. The number of cases in which the totally unconstitutional caste panchayats have openly defied the law of the land by issuing illegal diktats has increased manifold. Attacks on young couples, Dalits and progressive minded people have become frequent.

Khap elements zealously guard age-old marital restrictions. They have fostered a culture of intolerance, making a family pariah in village society if its member happens to violate Khap marital norms. The family is subjected to repeated taunts, making its existence unbearable. This drives some of its members to commit murder to restore family honour. It is this social milieu spawned by Khap elements which leads to honour crimes. Then, there is enough evidence of the direct involvement of Khap elements in honour crimes in the form of inflaming passions, organizing social boycott of the family and such other acts.

A recent landmark judgment by the Additional Sessions Court at Karnal in the Manoj-Babli "honour" killing case, in which five accused were given the death sentence, sent shock waves among caste panchayat leaders, as it reminded them that they were not above the Constitution. The court took serious note of the fact that the policemen deployed for the security of Manoj and Babli actually facilitated the accused in perpetrating the crime. "This is the story of Manoj and Babli, but could well be the story of many couples in Haryana who have lost their lives for the sake of 'honour' - family honour or community honour. In this case it is Jat honour, at Karoda village in Kaithal district.

The duo who was in their early twenties eloped on April 6 as village elders would not allow them to marry because both belonged to the Banwala *gotra*. Marrying a person of the same *gotra* is taboo in most parts of Haryana. Marriage and other relations within one's *gotra*, a claimed lineage within a caste that generally encompasses millions of people, is thought to be incestuous. In this case, the couple disappeared after setting off to visit Babli's family, who happened to be much better off. But the police wouldn't help. As the police in both Karnal and Kaithal showed little interest in finding out the whereabouts of the couple, the family of Manoj, despite its meager resources, decided to investigate on its own. On June 23, the bodies of the couple, with their hands and feet tied, were found in the Barwala branch canal in Hisar district. There were maggots on the clothes, so they requested the policemen to get them washed. Instead, they gave us some soap and water and told them to wash the clothes said Seema and Chandrapati. She was exclaiming with fear that that was her brother's shirt and there was her bhabhi's bangle too and broke into tears. Once Manoj's family uncovered the crime and reported it to police, they were penalised by their *own panchayat*.

Karoda is among the bigger villages in Kaithal district. With a population of about 25,000, it has close to 10,000 voters, most of them Jats of the *Banwala gotra*, to which Gangraj belongs. The elected Sarpanch of the village is a relative of Babli's family and is said to have played a partisan role in the case. Instead of listening to them, the Panchayat suppressed their sorrow stricken voice brutally and fined them with a sum of Rs.25,000 on anyone any-one who interacts with them. They further sentenced them a social boycott. That means no one would sell to or buy anything from the family; none would talk to the family or visit it; no doctor would be allowed to visit the family; in school no teacher would teach their family and no classmate would talk to him. The killers have a lot of political support. The Jat Mahasabha, a body representing the interests of Jats which is most active during the time of elections, is firmly behind Babli's family. The Mahasabha also holds strong views on social issues. In a statement to a Hindi newspaper, the Karnal Jat Mahasabha leadership extended its support to Babli's family stating that the couple had erred by getting married and that the

murder was inevitable as the couple had left the accused with little choice. But more puzzling is the silence of the political parties barring the Left, be it the ruling or the main opposition. It is, perhaps, yet another indication of the importance parties attach to caste support and gotra politics.

Though geographically small, Haryana is socially and culturally heterogeneous. For example, in some areas and among certain castes, marriages within the village and even intra-gotras marriages are not uncommon. At the same time, such marriages are treated as incest in certain other areas, and among other castes. Even the caste or Khap panchayat is not a feature prevalent throughout the State, as many believe, but is confined to a particular region. Thus, a section of people of one particular caste proclaims itself as the cultural representative of Haryana, refusing to acknowledge the customs and traditions practiced by others in their own neighbourhood. A look at the demography of the State and its development statistics would help to contextualize the problem. The State that stood second in per capita income in the country has one of the lowest sex ratios (821 in the 0-6 age group). Female foeticide is rampant, and the situation is so bad that wives are being brought from far off states. Not once have these *panchayats* called a *maha-panchayat* to pass a resolution against female foeticide or dowry or even in connection with the crisis in agriculture problems staring the people of Haryana in the face. After the judgment in the Manoj-Babli case, however congregation of caste *panchayats* representing the Jat neighbourhoods from Haryana, Uttar Pradesh and Rajasthan was called at Kurukshetra on April 13. It was decided that panchayats would now fight for legal status to legitimately maintain the "social order." One of the main agendas of this sarv-khap panchayat was to push for amendments to the Hindu Marriage Act, 1955 that would ban marriages within the same gotra (clan within which men and women are considered siblings and hence cannot marry). Under this Act, marriages between certain lineages from the paternal and maternal sides are already barred.

Most of the Khap panchayat diktats are against couples who are not from the same gotra. In fact, not more than one case of honour killing has been of a couple within the same gotra. By creating the false impression that all marriages of choice between young couples are incestuous, what the *khaps* are actually opposing is the right to choose a marriage partner.

The judiciary does have a crucial role to play but has its limitations too. On June 23, 2008 Justice K.S. Ahluwalia of the Punjab and Haryana High Court made a revealing observation while simultaneously bearing 10 cases pertaining to marriages between young couples aged 18-21: "The High Court is flooded with petitions where... judges of this Court have to answer for the right of life and liberty to married couples. The State is a mute spectator. When shall the State awake from its slumber [and] for how long can Courts provide solace and balm by disposing of such cases?" A legislature with little political will and a pliant executive will have to be made responsive under pressure of a mass movement. The voices of dissent are also getting consolidated under the umbrella of organisations and democratic forces. The younger generation must stand forth as responsible social activists and lead the struggle for change in an otherwise Feudal society that lives by the dictum "Jiski lathi uski bhains" (the powerful call the shots). In Haryana each passing day is costing the lives of innocent women and men.

A Division Bench of the Apex court has characterized the crime of "honour" as "rarest of rare cases deserving death punishment." A copy of the judgment has been sent to the high courts and lower courts, state chief secretaries, home secretaries and the police chief of all the states. The Bench has further directed all state governments to immediately suspend the district magistrates and police chiefs if they fail to apprehend those responsible for "honour killing" and prevent such incidents despite having advance knowledge.

The court summoned 67 representatives of the *Khap panchayats* to explain their role in 'honour killings'. They did that in a written reply, saying it is not they who are responsible

for such killings but the families who fail to prevent their daughters and sisters and wives from interacting with men, which results in shame and ostracisation by the community. Like all social evils, unless society shuns these practices, the police and judiciary alone cannot save women who want to break free from arranged and abusive marriages, they argued that women who feared their male relatives never committed such acts and therefore never had to face such consequences. In short, the *Khap panchayat* representatives overtly defended 'honour killing'. The problem of honour killings goes well beyond the boundaries of Haryana. Honour killings or assaults in the form of 'acid attacks' are common in throughout India. Acid attacks, torture, abductions and mutilations all come under this category of crime.

The Law Commission, following a request by the Union Law Ministry to suggest a draft law to apply a check on "honour crimes, has proposed that "not only conviction in an honour killing, merely participating in *Khap panchayat*-like congregation would render a person ineligible to contest polls and would attract a prison term of up to two years." As a preventive step, the Law Commission has also suggested that the district magistrate should take immediate steps to prevent any such unlawful assembly and ensure safety of the concerned couple.

The *Khap* protagonists want a legal ban on the same-gotra marriage. This is largely because of false scare. Only 3 per cent of the documented cases of honour crimes involve couples married in their gotra, according to the survey conducted by the Central Commission for Women. In about two dozen such cases in Haryana in the recent past, there is only one case of a same-gotra and same-village marriage. The couple was brutally murdered, inviting strict punishment for the killers by the court. The rest belongs to the inter-caste marriage or alliances violating some other age-old tradition.

In the light of the apex court judgment and the recommendations of the Law Commission, the Centre's affidavit is a serious climb-down. The Centre is planning to enact a fresh law to curb "honour" crimes. The ends of justice would be met if the contemplated law brings into its ambit those who glorify such killings along with the actual perpetrators of the crime and infringement of any of the rights of a citizen guaranteed under the Constitution. Terming the practice of *Khap panchayats* of handing down punishment to couples who go for sagotra or inter-caste marriage as "flagrant violation" of the law, the Law Commission came up with draft legislation. The draft Prohibition of Unlawful Assembly (interference with the freedom of matrimonial alliances) Bill, 2011 says that offences under the Act will be cognizable, non-bailable and non-compoundable: The Bill also proposes no person or "any group of persons shall gather with an intention to deliberate on, or condemn any marriage, not prohibited by law, on the basis that such marriage has dishonoured the caste or community tradition or brought disrepute to all or any of the persons forming part of the assembly or the family or the people of the locality concerned. Marriage, according to the draft law, includes a proposed or intended marriage. The Collector or the District Magistrate has been entrusted with the responsibility of ensuring the safety of the persons targeted in case any illegal decision is taken by the *Khap Panchayat* and he/she shall take necessary steps to prohibit the convening of such illegal gatherings. Any violation of the Bill will attract imprisonment up to three years and a fine of up to Rs.30,000.00. All offences under the proposed Act will be cognizable, non-bailable and non-compoundable. The cases will be tried in Special Courts presided over by a Sessions judge or Additional Sessions Judge. The Special Court can take suo motu cognizance of the cases. There has been a spurt in illegal intimidation by self-appointed bodies for bringing pressure against sagotra (same gotra) marriages and inter-caste, inter community and inter-religious marriages between two consenting adults in the name of vindicating the honour of family, caste or community.

## CONCLUSION:

A collective psychosis has been spawned by the *Khap* elements over the issue of tradition. Tradition, when untouched by modernity, starts stinking and becomes a drag on society while modernity, cut off from tradition, is shallow and spurious. It is the harmonious blend of the two that takes society forward. This elementary understanding of the societal changes is beyond the comprehension of the *Khap* supporters, who wish to perpetuate the culture of intolerance, pushing a section of society into the dark zone of barbarity and depravity. *Khap Panchayat* is a completely illegal entity engaged in all criminal activities like superimposing their beliefs on youths, honour killing, pretending that they are trying to save baby girls and women rights. And height of stupidity is that they even appealed for change in Hindu Marriage Act. How can they even think about that? People running *Khap Panchayat* are majorly elder guys and few youth who do not have their own stand and believe to follow the crowd. Even if there is a scientific reason for not marrying the same *gotra* then who gives these stupid people right to rule others life and decisions and kill them and feel proud after killings. Only for the sake of having power and name in the society *Khap Panchayat* is playing with the lives of so many people.

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