Khap Panchayats in Transition with Contemporary Times: An Anthropological Evaluation

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ABSTRACT: The Jats and *Khaps* reflect their identity through each other. A third dimension to their identity is the *gotra*. In the modern times too *gotra*, Jats and *khaps* are inseparable in the regions of Rajasthan, Uttar Pradesh and Haryana of India. These three constituents form a linear structure to authorization and power. With changing scenario these institutions have also altered for the people they are meant to and function for. The Khap Panchayats are in a continuous transition as they evolve from the phonetic norms.

INTRODUCTION

When a majority of Indians, presently are undergoing a process of metamorphosis by shedding old customs and traditions, and catching up modernized approach, a section still holds the old customs of the society and resists any change in age-old practices. The commotion began in June when the Delhi High Court judgement dismissed the Public Interest Litigation (PIL), which sought amendments in the Hindu marriage Act in order to ban same *gotra* (clan) marriages. This was no random turbulence but was a much planned action brought about by the members of the Caste Councils known as *Khap Panchayat*, a socio-political body of Jat community which is intolerant to same *gotra* marriages (Rights and Development Bulletin, 2010)[1] (see Sangwan, 2008).

Literature shows that the Jats were thought to be a part of the Indo-Scythians ethnic group, also known as the Saka people. An indication to their origin is also seen in the word *khap*. The Jats are thought to be of Saka origin, the word *khap* stands to have different meaning[2]. Dahiya ('80) believes that the word *khap*

is derived from the Saka word *Satrapy* or *Khatrapy*, meaning an area inhabited by a particular clan.

Khaps are very old institutions and have their origin in the 14th or the 15th centuries. During this time, the *khaps* were well established in the Jat community dominated areas which form the present day Rajasthan, Haryana, Western Uttar Pradesh (Sangwan, 2008). It is believed that the Jats, reached the region between Sutlej and Yamuna rivers in the 11th century after they were displaced from Sindh. The community was pastoral at first and then settled down to cultivation and eventually as agriculturalists. The various *gotras* of Jats settled around the canal forming their clan-based *khap*. People belonging to same *gotra* settled in the same village and the border of other village was demarcated on the basis of a separate clan. The Jats in the 1500's became settled agriculturalists and their clan based social institutions merged with caste based feudal social system that still prevails today. In the course of time the pastoralists did not settle as agriculturalists in which their *gotra*-based institutions were eroded but adapted to the advanced land revenue and caste based feudal system in which their social institution of kinship was kept intact (Kumar, 2012: 59).

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Information about the history of the *khap panchayat* is also found from an unpublished, handwritten document, commonly known as '*pothi*', thus the '*pothi*' of Pandit Kanha Ram, which goes into giving a detailed account of the locations and dates of *khap panchayat* meetings in early times. The '*pothi*' claims that the *khap pancahayats* came together to fight against the atrocities of various medieval rulers. But no evidence could be traced in support of the authenticity of the *pothi* (Bharadwaj, 2012). The formation of the *khaps* is not standardized and comes without any written rules. Initially, they were organized into a number of villages, where the geographic boundaries were the basis of different *khap* recognition that took shape to that of the socio-economic status. The kinship ties form another important way of identifying the *khaps* where caste and ownership of land are very important factors. The territory of some *khaps* is dominated by a single *gotra*. People of other castes and *gotras* also live in the same *khap* but are less in number and/or hold less land area. Many scholars have researched on Khap Panchayats, some among them are, Singhal, Malik and Malik, 2013; Devi and Begra, 2011; Chaudhary, 2004; Madsen,'91.

ROLE OF THE KHAP PANCHAYAT

This particular institution is formed by the upper caste Jats on the grounds of *bhaichara* (brotherhood) to consolidate their power and position over the entire clan or village. The traditional caste *panchayat* upholds the four corners of rural life that are *aikya* (unity), *izzat* (honour), *biradari* (community) and *bhaichara* (brotherhood) (Chaudhary, 2004). It clearly demonstrates its characteristics by being male dominated and is being acknowledged and supported by powerful male elements of the society. In a long time, the caste system has been further more strongly institutionalized by the *khap panchayats*. The caste system plays a crucial role in the rural areas. The values and norms that govern the relationship and behaviour of a rural society are by and large governed by the caste. In a *khap panchayat* people of different caste and *gotras* get representation but the power to rule remains in the hands of the upper caste leadership, and the people of the lower caste do not get membership in panchayat. Hence, the *khap panchayat*

governs the *khap* formed by the same *gotra* comprising of different families even from several neighbouring villages and of different castes. The structure of the *khap panchayat* may be geographical or based on the clan membership. Sangwan (2008) characterized formation of *panchayats* in different villages of north India as — Single caste and single *gotra panchayats*; Single caste and multi-*gotra panchayats*; Multi-caste and multi-*gotra panchayat*[3].

Gotra Rule among the Jats of Northern India

All the rules of the *gotra* are based upon the very old concept of *bhaichara*. It means that the members of the same generation are classified as siblings and therefore they cannot intermarry (Louis,'80: 77,187). The notion of *bhaichara* does not only define kinship bonds but also defines the social and the political life. Hence, it does not only confine itself to clan or *gotra* brotherhood but also extends to village and *khap* brotherhood.

The Jats consist of a large number of *gotra* or *got* (in common parlance) traced patrilinealy and is strictly exogamous. In the Brahamanical tradition a *gotra* has at its top a sage from whom the clan is thought to be descendant from (Tiemann,'70: 166). But Jats on the other hand consider themselves as descendant of kings rather than sages or *rishis* (Madsen,'91). The Jat caste is not called a brotherhood merely because they had a common ancestor or a common descent, but it is because they attain the membership of a *biradari* (brotherhood) strictly by birth. This brotherhood is a kinship by blood (Teimann,'70: 166-167).

Precisely, *khap panchayats* uphold the concept of *bhaichara* on a *gotra*, caste or territorial basis. They support village and *khap* exogamy but caste endogamy. Hence, *khap* oppose marriages in the same clan because they are considered to be related by blood and all males and females are considered to be brothers and sisters and such marriages are considered incestuous (Kumar, 2012).

But why marriages inside a *gotra* are considered a taboo? If this is asked to Jats, or any member of the community, they say that a man must not marry in his mother's *got* because they are his brothers, not in his mother's mother's *gotra* because they are his mother's brother; not into his father's as they are his father's

brothers and not into his father's father as they are his father's brother. This brotherhood forms the basis of *gotra* exogamy and is based on the kinship ties of brotherhood by blood (Teimann,'70: 169). *Gotra* exogamy is an old approach that forms the fundamental principle of marriage. Hence, it is important to seek all the variables for which *gotra* exogamy has been practiced and supported over all these years.

ANTHROPOLOGICAL APPROACH TO GOTRA EXOGAMY

World-wide research has been done on the consequence of *sagotra* marriages. Researchers have tried to look into the various social norms and notions that support *gotra* exogamy without losing emphasis on how these consanguineous marriages can lead to inbreeding. In order to gain understanding of the pillars that were established in support of avoidance of incest or the avoidance of *sagotra* marriages it is important that anthropologically, the implications of *sagotra* marriages can be understood in different views of socio-cultural approach and biological approach.

Socio-Cultural Approach

Socially, *sagotra* marriages are incestuous and a taboo. Considering what Levi-Strauss ('69) said, that the origin of prohibition of incest is neither purely cultural nor purely natural, nor a mixture of both, but it is said to be a step by which the transition from nature to culture is established. Therefore, he quotes that 'the prohibition of incest is where nature transcends itself.'

Wagner ('72) states that any norm in a society derive its meaning, moral and social effect from the relationship of culture. It has different degrees of importance and seriousness and is obeyed and respected differentially, like the practice of incest which is followed differently in different societies. Freud ('24), Fox ('67) and Schneider ('72) gave different premise of social sanctions behind prohibition of *sagotra* marriages[4].

Customary marriage rules in most parts of north India uphold caste endogamy and adopt rule of *gotra* exogamy. In extension to the principle of 'kinship exogamy' there is a rule of territorial exogamy. Most

caste groups bar marriages within the same village or with the village which shares its boundaries with natal village or the one in which other clans of one village are well represented.

Culturally, the principle of village exogamy means that all men and women of the same clan and same village are bound by the morality of brother and sister, and therefore sex and marriage both are prohibited between members of these units (Paul,'81).

All Jat clans are considered to be equal and the marriages are arranged between the two families of different clans. Marriage establishes a relationship between the members of different clans and clan territories uniting two families or descendants of different *gotras* from different *khaps*. The Jats observe certain marriage prohibitions that ensure that the equality between the *khaps* and the clan is maintained. The Jat *khap panchayats* objects to the marriages of boys and girls in the same *gotra* based on their social and cultural practices. (Bharadwaj, 2012).

The customary rules of caste *panchayats* do not follow the Hindu Marriage Act Law 1955, which states that *sagotra* and inter-caste marriages are permitted. But customarily there are a variety of rules and practices and degrees of prohibited relationships observed in respect to marriage in different regions of India, specially seen in north and south India (Uberoi, 2002).

It is explained by Teimann ('70), who worked amongst the Jats of Haryana, that the Jats did not even like the mere conversation about *gotra* endogamy as it was totally an absurd issue and no one in their community would even think of getting married in the same *gotra*. In their opinion *gotra* exogamy is regarded as a criterion by which human beings distinguish themselves from animals. They further opine that the 'Jat' as a caste cannot persist if the women are kept for marriage within their respective *gotras*. They must be given in marriage to the men of other *gotras* in order to form a larger society. Not only *sagotra* marriages but repeated marriages between two villages also need to be taken care of as it leads to reinforcement of the union between two *gotras*. It was done in order to check upon that the same *gotra* might develop loyalty to affine and cognates rather agnates. Hence, it is ensured that the union should not be monopolized by the man who

contracted the first marriage and his descendants for two generations at least. The agnatic principle is reasserted against the cognate principle.

Besides prohibition of 'reverse' and 'repetition' of marriage between local descent groups are two methods which the Jats share with many other castes of north India (Dumont,'80; '66: 104). Also as seen the exchange of brides between two families in a reversible pattern is prohibited as it could lead to formation of groups exchanging brides among themselves hence weakening the loyalty to the clan (Milner,'88: 150).

While caste endogamy remains largely unchanged, the trend of consanguineous marriages is on the rise. As a result of which these marriages have invited much wrath from the local governing bodies in the regions, due to which a lot of killings and separations of already married couple have taken place. The socio-cultural view gives a brief idea of how *sagotra* marriages are not supported in the cultural set up of these *khap* villages and hence illegitimate.

But now with more modernization creeping in, the old social norms, customs and rituals continue to co-exist with the present time. Various *sagotra* marriages have been reported in the past in some regions of Punjab and Haryana, which lead to the violation of the norm of the *khap panchayats* where these couples were punished and abandoned due to the rift of modern and old customs.

BIOLOGICAL IMPLICATIONS OF ENDOGAMY

Khap makes its stand stronger against the opposition of the *sagotra* marriage, on scientific premise too. Satyapal Singh (ex-Commissioner Mumbai police) from Bhagpat Baraut (Haryana) in an interview fully supports *khaps* due to the genetic ill effects of such marriages that leads to inbreeding[5]. To go by the words of *khap panchayats* and to explain how they invalidate *sagotra* marriages, we have to look into various examples of communities which practice inbreeding in terms of their cultural norm and suffer from various genetic disorders. In populations where consanguineous marriages are widely practiced recessive genetic disorders gain greater spectrum of the health problems (Bittles, 2009).

To justify the phenomenon of inbreeding and to what extent it affects the populations, nothing gives a clearer picture than the comparative analysis of the consanguineous and non-consanguineous marriages. To draw the relation between consanguinity and inbreeding disorders a lot of comparative studies between consanguine and unrelated couples have been done[6]. Studies like that of Ansari Muslims residing in the suburban and rural area of Bhagalpur, Bihar, was aimed to find out the comparative cognitive behaviour amongst the children resulted from consanguineous marriages. It was found that the inbred children showed lower verbal performance and IQ than the children of unrelated parents (Afzal,'88). Not even in India but also abroad consanguinity is practiced and it has been found that the rate of congenital malformation is 2.5 times higher than in unrelated parents. In the back drop of these results and generalizations drawn it is seen that the genetic malformations and disease put financial pressure on the respective families. Hence, all the advantages of such marriages outweigh the disadvantages in the long run.

DISCUSSION AND CONCLUSION

The traditional *khap panchayats* have been known to exist in India from many centuries. The new modern legal systems by the Britishers also did not interfere in the functioning of these systems. The *khaps* exist today with as much importance as in previous times. Despite the constitution and governmental and legal systems of the country the *khaps* enjoy the confidence of community since they act as an important agency of social control, which helps people in quick decision making with least expenditure. They play an important role not only in making decisions for the welfare of the people but also maintaining cultural norms. The *khaps* have a say on various issues of the village in order to sustain law and order and peace by imposing certain norms and sanctions on the people.

In a recent move the *khap panchayats* have gone as far as in launching their own online website and blog. It is called '*Khap Panchayat Jat Jati ki Sarvocha Nyaya Sanstha*'. The editor does not only posts but also invites to write, share and comment on the current movements of the *khap panchayats*. It basically

creates awareness about the current situation and keeps an update on what is happening around the *khap panchayats* along with the latest news published in newspaper. It has different sections, and the sections are divided into different subheadings, like historical importance of *khaps*, current status on *gotra* marriages, and so on. The key feature is that it only allows the constructive approach but also posts downbeat articles against khaps[7]. Lately, the *khaps* have also shown their presence felt in different scenes from the village. For example, in an instance of caste atrocities, the upper caste residents raised a wall to shun dalit households. However, the peace was restored when the *sarpanch* of the village and other prominent members decided to demolish the wall which had created a social conflict in the village[8].

Jats have been highlighted in the past few years due to their harsh verdict on the couples as well as their parents for *sagotra* marriages. They are a firm believer of *gotra*. The belief is so much embedded in them that it forms a part of their identity. It was evidently seen when the National Commission for Backward Classes ordered a survey of the Jat community to verify the rationale behind the demand of the inclusion in the central list of backward castes. Socio-economic Caste Census (SECC) (cf. *The Times of India*, Chandigarh, 7 October 2013, p. 3) collected the caste details. But instead of telling them the caste the villagers told the *gotras*, therefore, the identification of the Jats became complicated and caused a delayed survey[9]. It shows that how deeply the identity through *gotra* is accepted and familiarized amongst people of this area. Thus it becomes clear that the ban on *sagotra* marriages is not only a sanction by village authorities but also accepted and practiced by people staying there. Whereas on one side we find people who do not believe in the ideology of *khap panchayats*, on the other side of the same coin we find people still believes that the *khaps* take decision in the interest of the people on the basis of their moral values.

The *khaps* however, are now trying to kill their image of being ruthless institutions by improving their former impression. They are beginning to work in a positive direction towards people who they are meant to function for. The same has been seen in various judgements, that the *khap* has passed especially in the interest of women, for instance ban on sex selection and female foeticide, ban on dowry and so far in putting a ban on expenses on the marriage of the girl so that the burden on the parents is reduced. These examples highlight the steps that they are taking in favour of the people they govern. The foundation was laid by *Satrol khap,* district Hisar (Haryana) by changing a 650 year old tradition pertaining to marriages by allowing inter-caste marriages with parental consent. The decision is not only being praised by the society but also welcomed by *panchayats* of other villages, like *Nogama* and *Baraha khaps* of Jind district. Even the leaders who are more conservative in matrimonial affairs have applauded the initiative[10].

The elders still show some resentment towards the decision of the *khap* for lifting the ban on inter-caste marriages, whereas the youths welcome the decision. Especially, for the bachelors of Bass (Hisar), where the sex ratio (801:1000) is even lower than that of the state, so there is a hope of finding a match. The uplift on the ban will enhance marriage alliances in this area and many more like this. The decision seems to follow Sant Kabir's famous lines "*Jaat nahi jagdish ki, hari-jan ki kaha hoye; Jaat paat ke keech mein doob maro mat koye*"[11].

The *khaps* are now trying to enhance their public image by releasing some bans on marriage rules which will in turn strengthen their role and still tighten the grip of authority in the villages. They are working for the betterment of the people, but according to their own convenience. This is one of the measures that the authorities have chosen to survive in the contemporary times. Despite the fact that the verdict made by them is too little and too late, it has for now succeeded in building the right kind of reputation which will empower the sustenance of this institution.

NOTES

1. Single caste and single *gotra panchayats*; It resides in a particular geographical area dominated by a single *gotra* of a single caste. For example the *Dahiya Khap* or *Sangwan Khap* located in Sonepat or Balyan *Khap* of Muzzafarnagar district in Uttar Pradesh; Single caste and multi *gotra panchayats*: It consists of the entire village which were dominated by a single caste with some villages dominated by various *gotras*. For example the Chaubisi organization of 24 villages of Meham in district Rohtak is an example of such a *Khap*; Multi-caste and multi-*gotra panchayats*: Residing in one particular geographical area where some

villages are dominated by a particular caste and other villages by other caste of different *gotras* (Sangwan 2008).

http://www.jatland.com/forums/showthread.php?34821-Khap-Panchayats-in-Haryana-Sites-of-Legal-Pluralism

2. *http://www.speakingtree.in/spiritual-blogs/seekers/faith-and-rituals/origin-of-jat-prople-and-khap-panchayats*

3. *www.cdhr.org.in/Images/PDF/bulletin17.pdf*

4. Freud ('24) and Malinowski ('27) gave that promiscuity within the nuclear family was necessary to protect the family from the mutually destructive jealousy. Fox ('67) going to the deep understanding to the terminology of kinship formed the bases to avoid incest, especially in nuclear families. Schneider ('72) codified that the incest taboo, kinship and exogamy are related and in these manifestations the moral meaning is constituted in the form of culture.

5. *The Times of India*, Chandigarh (20 March 2014, p. 10) "I back *Khap* Stand on same-*gotra* Marriage: Ex commissioner, Mumbai Police".

6. Consanguinity leads to disease like decreased IQ scores (Aggarwal *et al.*,'84); Increased intellectual disabilities (Afzal,'88); Congenital heart disease (Jain *et al.*,'93); Retinal dystrophies (Rahi *et al.*,'95); Neural tube defects (Centerwall,'66).

7. *http://khappanchayats.com/*

8. *The Times of India*, Chandigarh (11 July 2013, p. 4): "Peace Returns to Hisar Village after Razing of 'Caste' Wall".

9. *The Times of India*, Chandigarh (7 October 2013, p. 3): "Multiplicity of '*Gotras*' adds twist to Jat Survey".

10. *The Times of India*, Chandigarh (22 April 2014, p. 4): "Satrol Effect: More *Khaps* for Change".

11. The quote means that "even the god has no caste, so what would be the caste of a common man, therefore one should not be involved in the darkness of caste."

REFERENCES CITED

Aggarwal, N., S. N. Sinha and A. R. Jensen 1984. Effect of inbreeding on raven matrices. *Behaviour Genetics*, 14:579-585.

Afzal, Mohammad 1988. Consequences of consanguinity on cognitive behavior. *Behaviour Genetics,* 18:583-594.

Bharadwaj, Suraj Bhan 2012. Myth and reality of Khap panchayats: A historical analysis of the panchayat and Khap panchayat. *Studies in History*, 28 (1): 43-67.

Bittles, Alan H. 2009. Consanguinity, genetic drift, and genetic diseases in populations with reduced number of founders. In: F. Vogel, A.G. Motulsky, S.E Antonarakis and M.Speicher (eds.), *Human Genetics: Principles and Approaches* (Fourth edition). Springer Heidelberg Dordrecht: London.

Centerwall, W. R. and S. A. Centerwall 1966. Consanguinity and congenital anomalies in North India. *Indian Journal of Medical Research,* 54: 1160-1167.

Chaudhary, Prem 2004. Caste panchayat and the policing of marriage in Haryana: Enforcing kinship and territorial exogamy. *Contributions to Indian Sociology*, 38:1.

Devi, Sunil and Shaveta Begra 2011. Khap panchayats in Haryana. *Panjab University Research Journal (Arts)*, 38 (1&2): 145-154.

Dumont, Louis 1966. Marriage in India. The present state of the question III: North India in relation to South India. *Contributions to Indian Sociology,* 9: 90-114.

— 1980. *Homo Hierarchies: The Caste System and its Implications* (Second edition). University of Chicago Press: Chicago.

Freud, Sigmund 1924. Der Untergang des Odipuskomplexes. *Studienaugabe,* Fischer: Frankfurt (English: The Dissolution of the Oedipus complex).

Fox, Robin 1967. *Kinship and Marriage an Anthropological Perspective*. Cambridge University Press: Cambridge.

Jain, V. K., P. Nalini, R. Chandra and S. Srinivasan 1993. Congenital malformations, reproductive wastage and consanguineous mating. *Australian and New Zealand Journal of Obstetrics and Gynaecology,* 33: 33-36.

Kumar, Abhay 2012. Khap panchayats: A socio-historical overview. *Economic and Political Weekly*, 47(4): 59-64.

Lévi-Strauss, Claude 1969. *The Elementary Structures of Kinship,* translated from the French by James Harle Bell and John Richard von Sturmer. Beacon Press: Boston.

Madsen, S. T. 1991. Clan, kinship, a panchayat justice among the Jats of western Uttar Pradesh. *Anthropos*, 86: 351-365.

Malinowski, Bronislaw 1927. *Sex and Repression in Savage Society*. Routledge and Kegan Paul: London.

Milner, Murray Jr. 1988. Status relations in South Asian marriage alliances: Towards a general theory. *Contributions to Indian Sociology*, 22: 145-169.

Paul, Hershman 1981. *Punjabi Kinship and Marriage*. Hindustan Publishing Corporation: New Delhi.

Pradhan, Mahesh Chandra 1966. *The Political Systems of the Jats of Northern India*. Oxford University Press: Bombay.

Rahi, J. S., S. Sripathi, C. E. Gilbert and A. Foster 1995. Childhood blindness in India: Causes in 1318 blind school Students in nine states. *Eye*, 9: 545-550.

Sangwan, K. S. 2008. Khap panchayats in Haryana: Sites of legal pluralism. In: K. Kannabiran and R. Singh (eds.), *Challenging the Rule(s) of Law: Colonialism, Criminology, and Human Rights in India*. Sage Publications: New Delhi.

Schneider, David M. 1972. What is kinship all about? In: Robert Parkin and Linda Stone (eds.), *Kinship Studies in the Morgan Centennial Year.* Anthropological Society of Washington: Washington.

Singhal, A. K., I. Malik and A. K. Malik 2013. Khap panchayats and personal laws in India. *Researcher*, 5(2): 39-43.

Teimann, Gunter 1970. The four-got-rule among the Jats of Haryana in northern India. *Anthropos*, 65: 166-177.

Uberoi, Patricia 2002. Kinship varieties and political expediency: Legislating the family in post Independence India. *International Symposium*, 19:147-176. International Research Centre for Japanese Study: Kyoto Japan.

Wagner, Richard 1972. Incest and identity: A critique and theory on the subject of exogamy and incest prohibition. *Man*, 7(4): 601-613.