

Khap Panchayats, Sex Ratio and Female Agency

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While many intelligent reasons have been proffered for the recent resurgence of khap panchayats in Haryana and western Uttar Pradesh and their actions vis-à-vis self-choice marriages, two very important aspects of the phenomenon need to be highlighted. The first is the impact of the abysmal sex ratio, which is a result of rampant female sex selective abortions, neglect of girl children and a minuscule but still present female infanticide. The second is that it is only women in this male-dominated society who have publicly stood up to the might of the khap panchayats and are challenging their writ.

Khap panchayats are constantly in the news these days for their role in what are being dubbed as “honour crimes”. Most of these “crimes” consist of marriages which are inappropriate according to local Haryanvi or western Uttar Pradesh (UP) society. Ostensibly “society” takes offence at these marriages, and khap panchayats as representatives of society proceed to judge and punish couples and their families. The moral pressure exercised by these now extra-constitutional bodies and the fear of challenging their writ propels or emboldens close relatives to eliminate the married couple and fellow villagers to ostracise their families. Not surprisingly, even police protection fails to help the hapless victims as policemen and politicians fully subscribe to and openly endorse the values underlying opposition to such marriages. They therefore allow revenge and condone punishment of the so-called transgressors.

As women from far-off regions and of indeterminate caste pour in as brides for Haryana’s bachelors, the state turns the screws on its own couples. If a couple’s *gotra* is the same or if they have married in the same or neighbouring village, they are told to cease being husband and wife and live as brother and sister. To the khap panchayats it does not matter that their parents may have arranged the marriage, a child may already have been born of the marriage and that in the eyes of the law they have done no wrong. Yet, the same law is unable to protect them and it bows to what are claimed to be sacrosanct social norms. Parents, brothers and cousins who avenge such “wrong” marriages instead find legitimacy and support from local law enforcement authorities. The rhetoric of citizenship, of embracing modernity, of development, of gender equality, lies in the Haryana dust.

While many intelligent reasons have been proffered for the recent resurgence

of khap panchayats and their actions vis-à-vis self-choice marriages and marriages transgressing societal norms (most cogently by Prem Chowdhry, “Crisis of Masculinity in Haryana”, *EPW*, 3 December 2005), there are two very important aspects of the phenomenon that have as yet not been highlighted. The first, which I will elaborate in the following paragraphs, is its relationship to that other scourge of Haryana and western UP – the abysmal sex ratio, which is a result of rampant female sex selective abortions, neglect of girl children and a minuscule but still present female infanticide. The second is a unique and unremarked upon feature of the opposition to khap panchayats – that it is only women who have publicly stood up to their might and are challenging their writ. In a male-dominated society where a woman has no presence or place in the public sphere and certainly not in male-dominated panchayats, it is indeed a wonder that it is they who are taking up the cudgels on behalf of their husbands, children and families.

Inter-Caste vs Intra-Caste Marriages

Before I attempt an explanation as to what really might lie behind modern day khap activism and resurgence, it is important to understand the nature of marriages/relationships being targeted by the khap panchayats. Contrary to popular perception, these are not always “runaway” marriages; indeed there is a fair amount of variety in the kinds of marriages being objected to by khap panchayats. One major distinction needs to be made at the very outset – some of the marriages being targeted are *inter-caste* marriages, in which usually the man is a dalit and the woman belongs to the Jat caste. Contrasted to these are *intra-caste* marriages which transgress local rules of *gotra* exogamy, i.e., they take place between prohibited *gotras*. Yet others are *intra-village*, as Haryana practises what is called “village exogamy”, i.e., people must marry outside the village, even if a *gotra* with which marriage is permissible is present in the groom or bride’s village. Village exogamy is sometimes further extended to what sociologists call “territorial exogamy” by which several villages are in

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a brotherly (*bhaichara*) relationship with each other and hence marriageable girls and boys in such villages are considered brothers and sisters. As social anthropologists know, definitions of incest vary culturally and north Indian society spreads the net very deep and wide with its prohibited categories extending over several gotras and villages. The farther removed in kinship terms a bride and groom are, the better and more prestigious such a marriage is in the north. In earlier times, marriage distance – the geographical distance between a groom and bride's villages – used to be a marker of social rank of families and clans.

Self-choice vs Arranged Marriages

There are other important differences. Inter-caste marriages generally fall into the category of "self-choice" marriages, and also violate the rule of caste endogamy (whereby one should only marry within one's own caste). This is not necessarily the case with "inappropriate" gotra marriages which besides being intra-caste, may have been duly arranged by the parents of the couple. These marriages thus have the approval of family, village and society and are socially legitimised through public celebration and are also valid in the eyes of Hindu marriage law. It is however curious that many such marriages are targeted a year or more after they were solemnised and when the wife is already pregnant or when the couple has already had a child. Why does the khap panchayat wake up late to their apparent irregularity?

Different sets of logic are seemingly operating vis-à-vis the targeting of these two broad sets of marriages. In the case of inter-caste marriages, the ire of the Jat community is especially reserved for dalits who dare to fall in love with and attempt to marry or do marry Jat girls. The violence towards such marriages is easily explained by the challenge being offered to the dominant Jat community by untouchable castes, which may have begun to prosper with the help of educational and employment opportunities. A similar backlash is seen in many other parts of the country where dalits have improved their circumstances and attempt to enter mainstream society and challenge the disabilities imposed upon them by caste society. In

the south, dalits wearing shirts or riding motorbikes have been targeted; the dalits of Haryana are in some sense offering a far more fundamental challenge to the Jats – in attempting to marry their daughters, they strike at the very heart of caste exclusivity. Marriage, as we know, is the last and strongest bastion for the preservation of caste – caste endogamy ensures the perpetuation of caste exclusivity. Equally, the intimate sphere of family and marriage upholds and perpetuates cultural community values and hence any perceived or real threat to these values draws a violent response from the community concerned.

It is necessary to note and explain the fact that khap panchayat diktats against same gotra or inappropriate gotra marriages have surfaced in the last 10 odd years, gathering steam in more recent times. The gruesome killings and punishments such as expulsion from the village, social ostracism, etc, inflicted on couples and their families have propelled some civil society bodies to take up cudgels on behalf of the beleaguered couples. Support by groups such as the All-India Democratic Women's Association (AIDWA) and a proposal by the government to bring a law against honour killings (by adding new clauses to Section 300 of the Indian Penal Code), meant to rein in the khap panchayats, have strengthened their resolve to protect their turf. With the result that the these bodies are taking a more militant stand and demanding an amendment to the Hindu Marriage Act to make impermissible marriages which violate local gotra-related norms. More recently, Jat leaders such as Om Prakash Chautala and even the younger, supposedly "modern" Navin Jindal, have supported and forwarded to the government the khap panchayats' demand to initiate changes in the Hindu marriage law.

Skewed Sex Ratios and Control over Women

To understand both the timing and intensification of khap panchayat activity against various types of marriages and the virulent nature of the response, one has to look beyond surface explanations offered in terms of violation of customary norms and interpreted as violations of the community's honour. One important explanation may lie in the gender imbalance

in Haryanvi society signified by the very low sex ratios which are being further exacerbated by the fewer number of girls being born in this region. In Haryana and in western UP, the Jat caste which dominates the region is suffering especially from what demographers call a "male marriage squeeze". With sex ratios in the low 800s, there is an accumulated male marriage squeeze; as smaller female cohorts are born and there are more men left unmarried in preceding and new cohorts, the greater the marriage imbalance. In Haryana, currently, at least one in every four men stands to remain unmarried and may have to resort to bringing a bride from Assam, West Bengal, Kerala and a myriad other states.

It is apparent that given the shortage of marriageable women in Haryana and UP, communities, especially the Jats, wish to maintain a tight control over the women available in their marriage pools. The innumerable customary rules governing marriage only make the problem of availability of brides worse. To recount, marriage is forbidden between descendants from seven (or five) generations on the father's and five (or three) on the mother's side. Thus, all gotras that would fall into these categories would be eliminated for purposes of marriage. This is followed by the rules of village and territorial exogamy (as explained earlier), which eliminate yet more possible marriageable partners. Finally, caste endogamy makes unavailable women of other castes which may be present in the village or region. Hence, with fewer women belonging to the Jat caste being available for marriage, a competition is ensuing for those who have been allowed to be born and come to maturity. Since each group has its own rule defined pool, when someone from outside the group attempts to what they construe as "poach" from the pool, there is a violent reaction. Thus, by issuing diktats to punish such marriages, khap panchayats wish to preserve each gotra's legitimate pool of marriageable girls. The fact that a dalit male attempts to marry from the already depleted pool of Jat women only makes caste revenge more violent and fatal.

That the adverse sex ratio and the shortage of brides are directly connected to gotra rigidity is made further explicit by the fact that many communities in Haryana

and Rajasthan have quietly relaxed gotra norms. Such relaxation, not unknown in earlier times, may now be difficult to sustain in the face of growing khap militancy.

Marriage and the Political Economy of Gotras

A part of the answer to the puzzle of the timing and intensity of khap panchayat activity is also provided by the changing economic and political landscape and how it affects marriage alliances. North Indian marriages also follow the rule of hypergamy whereby women must marry not only into higher status clans but also the grooms must be of a higher status. In a rapidly changing society, education and jobs are becoming more important markers of the worth of grooms than merely land. The new hypergamy is not of caste status but of jobs and of urban location. Contacts in cities, businesses, and government are the new social capital that can be deployed to fulfil aspirations of social mobility. Further, the traditional ranking of gotras (essentially clans) is being upset by this new economy of education and jobs and the lucrativeness of government employment is resulting in the devaluation of land as the sole source of power, wealth and domination in society. In the past, the jostling between clans for higher rank, although present, was less intense with landownership providing long term stability in social rank. As clans reconfigure ranks according to new equations, marriage alliances based on new criteria contribute to their jostling and flux.

At the same time, given the fewer number of local Haryanvi women, women and their parents become choosers. Yet, there are tight controls over marriages of daughters. After all, it is women who continue to carry the burden of preserving family honour. While Haryanvi and UP males are not averse to marrying women from any caste, religion or region in the face of acute bride shortage, the women of their own states and communities remain closely guarded. Their marriages must be “appropriate” and they must be married to “suitable” boys.

If a groom fulfils the new criteria of desirability but belongs to a kinship-wise “inappropriate” gotra, parents are willing to overlook or violate gotra norms and formalise the marriage; here decisions of individual families pose a challenge to

gotra norms and also infringe on the right of another gotra to marry the particular girl. Equally, a well-qualified groom but one from a lower rank gotra than of the girl may later be seen as an “upstart” and his family and gotra targeted. The family of the girl would also be targeted as they would have given away a daughter and deprived other “rightful” eligible bachelors to whom she could have been a bride. Such a marriage would also be seen as challenging gotra solidarity and the system of hierarchy among gotras.

However, a close knowledge of contemporary Haryanvi society reveals that powerful families that violate these norms get away but less powerful families (especially of the groom) are hauled up by the khap panchayats. Less powerful khaps are unable to defend “errant” grooms or errant parents of brides. The timing of targeting such marriages often depends on when the challenge to clan superiority comes to be perceived or felt hence the delayed reaction in some cases.

Khap panchayats have lost their earlier legitimacy and prestige with the introduction of panchayati raj institutions and the recognition of the Hindu Marriage law has undermined their power over marriage issues – these are important reasons for their assertion. No wonder that khap panchayats are manned by old men who have lost their power and importance in controlling the social order. In their efforts to re-establish a hold over local society, they are supported by unfortunate young men who are mainly semi-educated, unemployed bachelors, desperate to find brides.

Haryanvi society is in denial over its practice of daughter elimination. The acutely low sex ratios point to a deliberate and ruthless elimination of female fetuses. Yet, the discourse about why young men cannot find brides is one of unemployment and not of shortage of women. These unemployed, unmarried males seek to gain status and power by asserting their power and masculinity by controlling “errant” others. Whether it is caste revenge on a dalit or a khap panchayat asserting itself in the matter of marriage, Haryanvi society points to tensions arising from an anomic state of society, in which other north Indian states are not far behind.

Khap Panchayats and Female Agency

Finally, why is it that it should be a Sonia of Asanda village and a Chandrapati, mother of Manoj, who are the ones to stand up and fight for their or their children’s rights? Why did Sonia’s husband Rampal not stand up and contest the khap panchayat’s decision that the couple should live together as brother and sister after they had been married for over a year and when Sonia was already expecting a child? Why did no males come to the aid of the widowed Chandrapati? There is perhaps a ray of hope in the gruesome goings-on in Haryana (although not yet in western UP). Female literacy in Haryana is improving rapidly and many women today are more educated than their husbands. There is also vibrant activity on the part of women’s organisations which are taking a lead in addressing gender-related issues and to whom embattled women can turn for support and legal aid. The media too has come to the aid of several women. But why are no young men willing to come forward to protect their marriages or their sisters? Simply because they are outnumbered by a vast majority of unemployed bachelors who are desperate to shore up the last vestiges of a dying social structure which enables them to display their masculinity and gain some respect in society.

One final word for the state and central governments; the complicity of the former in khap panchayat diktats is reprehensible as is that of politicians if vote banks are all they care about. The central government has to step in and ensure that the powerful and retrogressive khap panchayats are dealt with firmly. Both the state and central governments need to strengthen the observance of reformed marriage and inheritance laws and stem the exercise of archaic customary law. Doing so will address the twin horrors of female foeticide and honour killings. Equal inheritance will lead to equal value of sons and daughters and help reverse the sex ratio and hence reduce the competition over women. Recognition of the primacy of the law of the land regarding marriage will loosen the hold of extra-constitutional bodies on the right of couples and families to make their own marriage decisions.