

Khaps defanged

A bench headed by the Chief Justice of India, Dipak Misra observed on Tuesday that khaps have no right to question the marital choices of community members. While the matter in dispute, filed by the NGO Shakti Vahini, concerned honour crimes and the role of khaps, the Supreme Court has said that the same principle must apply to all of society, including parents. In a country where parental choice and social pressures determine the choice of spouse to an unhealthy extent, the Court has laid down a line which legislators should have demarcated decades ago.

Khaps have been the most egregious offenders in this regard, sanctioning ostracism, humiliation and the use of lethal force against young people who exercise personal choice and marry in contravention of the complex web of exogamous and endogamous conventions which govern marriage, and which prevail in the social domain, outside the legal system.

In response to outrage about honour killings in India and Pakistan, some khaps have tried to embrace modern values. In 2014, the Satrol khap panchayat, Haryana's biggest, permitted inter-caste marriages. Realism may have played a more compelling role than idealism in this decision to open up — it addressed a shortage of eligible brides, the consequence of a poor sex ratio.

But significantly, few inter-caste marriages followed. Besides, a few progressive steps cannot mitigate the revulsion of the rest of the country when khaps encourage the honour killing of transgressing youths by their own families.

The Supreme Court is to be applauded for expanding the ambit of its observations beyond khaps, whose members constitute a tiny fraction of the Indian population, to prevent parents and society at large from interfering with marital choice. Families are history-sheeters in this regard, and traditional social expectations are routinely invoked to force unwanted choices upon young people. With this case, these forces are effectively declared illegal.

Administrators and the police, which hesitate to intervene in what are seen as community matters until an actual crime is committed — by which time it is usually too late — should now be able to move much more effectively. Because a crime has been committed the moment a parent or group moves against a young person's choice, no excuse remains to delay police action.

END

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