

## Khap out

On more than one occasion in the past two months, the Supreme Court has asked khap panchayats to keep out of the “fundamental issue of marriage between two consenting adults”. “If an adult girl or boy gets into marriage, no khap, individual or no society can question them,” the court had said in January. On Tuesday, a three-judge bench of the court came down even more strongly against these modern-day avatars of traditional social assemblies. Disposing of a petition by the NGO Shanti Vahini, dating back to 2010, the court said that the activities of “the khap panchayats have to be stopped in its entirety”. Acceding to the NGO’s petition to rein in the khaps, the Court asked “the Parliament to come up with a suitable legislation” against these social assemblies. The court has prescribed a slew of steps, including the use of Section 144 of the Code of Criminal Procedure to prevent the gathering of khap panchayats. It has also laid down remedial and punitive measures, including providing security to the couple and their families and moving them to a safe house, to counter honour killings.

The court’s intervention is significant given that in rural Haryana, and parts of western Uttar Pradesh, khaps are known to exercise more power than state agencies. The statutory panchayats in these areas have been reduced to agencies for executing civil works, while the khaps exercise sway over social matters, especially the enforcement of complex exogamous and endogamous conventions around marriage. Young people who marry in contravention of these norms are subjected to ostracism, humiliation and the use of force. Administrators and the police often hesitate to intervene in what they see as community matters — until an actual crime is committed. Despite several cases of khap-engineered violence in the past 10 years, successive governments in Haryana have been cagey in acting against these social assemblies.

In the past, khaps have been defiant of judicial interventions. In 2010, barely a few days after a Haryana sessions court took a strong view of honour killings, a khap mahapanchayat in Kurukshetra demanded that the Hindu Marriage Act be amended to ban endogamous marriages within the same village. More recently, in February, khap leaders asked the SC to desist from “interfering in traditional matters”. The apex court has responded by asserting that the “right to liberty under the Constitution cannot be smothered by class honour”. Its order should enable state governments to move decisively against the khaps.

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