

Inter-Caste Marriage: Khap Panchayat and Security of Married Couples

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Introduction

The age old concepts of caste system and religious discrimination in India are like a barrier on the path of the progress of the country. These concepts have divided the Indian society especially Hindu society on the basis of caste and religion. These concepts are so deep rooted among the society that it took years for the Indians to come out of this idea of caste and religion to build an alternative view. Even today, this is a predominant struggle for India to come out of this social menace. Very crucial efforts were made in past by various social reformers and individuals to make India free from the clutches of caste system, untouchability and race discrimination. This concept of caste and religion has jacketed the Indian society which has become a social obligation to be removed. Now, this classification on the basis of caste and religion has spoilt the pious institution of marriage. In India, if we talk about marriages, inter-caste and interreligious marriages have become a taboo to most of the people.

It is believed that marriages are made in heaven and is a very well known saying. When a marriage is solemnized, it is believed to be the Gods wish to make the two people come together and stay together for rest of their life. It is a sacred institution which binds both the woman and man in a pious relation and makes it a lifelong relation. When a marriage is solemnized, two souls are united and this makes a new beginning in their lives. Due to the concept of caste, marriage has also been classified as in the same caste or inter-caste. Marriages within the same caste mean that both

boy and girl belong to the same community. Inter caste marriages means girl and boy are from different castes where one member belongs to lower caste. Unfortunately, the selfishness of the people has spoiled the sacredness of these relations. The god created man and women with no such classification; he did not assign any caste on them

. Therefore, no such power is there with the human beings to divided god's created world into caste and communities. Earlier, during the princely times, caste system was a practice and was customary to marry in the same castes. If anyone dares to disobey the rules of the society, he was confined to severe punishments. No one was allowed in the community from keeping any relation with the family where an inter-caste marriage has taken place. Customs and religions practiced were so strict and merciless that they imposed severe punishment such as both boy and girl to be hanged till death even by their own family members due to the pressures from the society.

Separation was also used to separate the inter-caste couples by marrying them off to other boy and girl of the same caste. These were the very common way through which the lovers were separated by their own relatives. A series of incidents can be traced from the long past where we can find the merciless punishments inflicted by the opposition parties of the inter-caste marriages.

Still the ugly face of caste system is not cleaned. The regions which lack exposure to the education and modern society culture, things have remained unchanged. People here still oppose inter-caste marriage and restricts the members of different castes if they encounter any incident of inter-caste marriages. A clear example can be seen in rural areas of Rajasthan and Harayana where inter-caste marriages are still opposed and brutal punishments are awarded by the Khap Panchayats prevalent there. The traditional mind set of the people of opposition of inter-caste marriage still impose fear in the minds of lovers and is a treat to the security of the married couples.

Judiciary's Take

On the lines of the judgment of the Delhi High Court in the case of *Ravi Kumar v. State* wherein it was held that a girl aged above 15 and below 18 marries at her own will then a case will be registered against her husband with the order of custody of the girl.

The Supreme Court of India recently in a landmark judgment of *Lata Singh v. State of Uttar Pradesh* ruled that in cases of inter-caste or inter-religion marriages there is no bar on it under the Hindu Marriage Act, 1955. Whereas anyone who harasses, threatens or subjects such a couple to acts of violence will be prosecuted for the same.

It is a 2006 judgment wherein a major girl named Lata Singh who was a major at her own will got married to Brahmanand Gupta of a different caste as of her. They married at the Arya Samaj Mandir in Delhi. In reaction to the marriage, brother of Lata Singh namely Ajay Pratap Singh, Shashi Pratap Singh and Anand Pratap Singh went furious that she married to a boy of other caste and had an inter-caste marriage. They were against this marriage. In revenge of the marriage, her brothers took the step of violence against the husband and his family; they took possession of the agricultural land as well as the shop of the husband by illegal means. They even lodged a false FIR regarding kidnapping and wrongful concealment or confinement of Lata at Sarojini Nagar police station in Lucknow. The muscle power and the ugly caste system again showed its face when the police instead of arresting the brothers, imprisoned the family of Brahmanand (husband) with a refusal of bail.

Her brothers even threatened to kill the husband and his family. To save their life, the couple fled to Jaipur and approached the Rajasthan Women's Commission in Jaipur, where her statement was recorded and forwarded to the superintendent of police (SP), Lucknow, for necessary action, a letter was also written to the National Human Rights Commission and the chief secretary, Uttar Pradesh, for their intervention in the matter.

The Session's Court released the accused as they committed no offence but unfortunately through this process they had already spent six months in jail. The court provided armed security to Lata. The court also recorded Lata's statement under oath that she had married Brahmanand on her free will with no external force applied on her. In spite this; a trail was initiated as her brothers filed a petition challenging the mental condition of Lata which was base less as the team of Doctors declared that Lata is not suffering from any metal illness. The matter was still pending before the session's judge. Aggrieved by this, Lata filed a writ petition before the Supreme Court claiming that the matter pending before Lucknow High Court arising out of the false FIR by her brothers be quashed. She contended that several act of violence was done against them; their property was illegally taken over with continuing threats issued against them.

Referring to above judgment of *Ravi Kumar v. State, Supreme Court* concluded that Lata was major at the time of the marriage, the court said, "she was free to marry anyone she likes or live with anyone she likes". Most importantly the court stated that there was no bar to inter-caste marriage under the Hindu Marriage Act, 1955, the court found Lata and her family innocent and quashed all the charges imposed on them. The whole act was an abuse of the process of the court as well as of the administrative machinery. It was all based on the revenge of the brother for the inter-caste marriage.

The court even stated that, "this is a free and democratic country, and once a person becomes a major he or she can marry whomsoever he/she likes". In case the parents of the couple do not approve for the inter-caste marriage or inter-religious marriage, at max they can do is cut off social relations with their ward, they cannot use any violent measure and unnecessary use of the judicial mechanism.

Khap Panchayat and Security of Married Couples

Khap is a term used to denote a cluster of villages united by caste and territorial limits. It's an age old concept which started in the 14th century by the upper caste Jats for the purpose of strengthening their power and position in the community. The basic rule of a Khap is that all the boys and the girls belonging to that Khap are considered as siblings. The matters related to that Khap is governed by a body constituted of elder khaps which is known as Khap Panchayat. This tradition is mainly prevalent in the areas of Haryana, western Uttar Pradesh and Parts of Rajasthan. Khap works on its strict rules where in love marriages are considered as a taboo. People of Khap are not allowed to marry in their same gotra or even from any gotra of the same village. If anyone violates the Khap rules, the punishment of death is pronounced to him. It executes its judgments through social boycott, fines or either killing or forcing the person to commit suicide. The decisions are pronounced on the name of honour. These Khap Panchayats gain their authority due to weak democratically elected Panchayati Raj institutions. It's all in the hands of the 10-15 people sitting as the Khap leaders and judging the faith of other with only qualification of experience gained through life.

The system is still prevalent because it does not take a long time to decide as compared to the courts. Judgment in Khap is usually given in one sitting. Girl is seen as keeper of the village honor. Therefore, no leeway is given to a girl whereas boys usually skip the punishments. If the couple runs away, their respective families suffer the punishment in terms of fine and social boycott. Right for women does not exist anywhere in the areas ruled by Khap Panchayat. In a recent case where Praveen Kumar and Poonam, a couple had a love marriage, which was declared by Khap Panchayat as void and asked them to live as siblings.

The famous case of Manoj and Babli is on the same line where Khap Panchayat issued death sentence to the couple for marring in the same gotra.

Conclusion

The Caste system in India is so deep rooted that people couldn't imagine inter-caste marriages. The only conception they have is that marriages are only possible in the same community and caste. Inter-caste marriage is a taboo in many territories in India. But, a very important role was played by the Law makers and the Indian Judiciary by codifying personal laws regarding marriages and helping people in providing them their marital rights. Through this they even contributed in overcoming caste system to a greater extent. Judiciary's declaration of Khap Panchayat as illegal was a major step towards the security of married couples. Specifying the role of administration and police officials with respect to security of married couples has made the couples to feel a bit safer. With development of the nation and spread of education to the corner of the country with help to overcome the caste system and the complications of marriage would get simplified to a greater extent.