



A Sociological Analysis of Customary Laws of Khap Panchayats in India

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Abstract: The Jat and Khap people form a special relationship via sharing a mirror appearance with one another. Secondly, its identity is enriched by the gotra. Rajasthan, Uttar Pradesh, and Haryana are three Indian states where the contemporary concepts of gotra, Jats, and khaps are still closely intertwined. Dominance and control are established by the three components in a linear fashion. Both the people they serve and the aim of the Khap Panchayats have changed throughout the years. As they move beyond outdated linguistic practices, the Khap Panchayats are constantly evolving. Elders from the same clan, gotra, or caste meet as a council in the Khap Panchayats. The majority of the Khaps are Jats. In Jat areas like Rohtak, Sonapat, Jhajjar, Bhiwani, etc., the Khaps are the most common. The Khaps are considered final arbiters in disputes involving the communities under their jurisdiction. On the other hand, the Sarva Khap Panchayat might hear challenges. Consolidating their position as a powerful force, the Khaps compel unwavering, unconditional obedience. Due to the immense power and influence they possess, no political faction or individual would dare openly challenge their rulings. The Indian Khap Panchayat system has long piqued the curiosity of scholars and activists who have analyzed and debated its many facets, including its theory, its system, and the roles and effects of power within it, particularly as it relates to social practices like marriage and the alarming rise in honor killings. The Khap Panchayat system is going to be the subject of my presentation.

Keywords: Identity, caste, Khaps, control, marriage, exogamy, panchayats, honor killing

Introduction

The caste system was an integral aspect of Hindu society for a very long period. The caste system is considered as a major concern in Indian society, among many others

as well. According to popular belief, the ancient caste system divided people into four distinct social classes according to the occupations they possessed. There are several sub-divisions within each of the four groups: Brahmins, Kshatriyas, Vaishyas, and Sudras. The caste system is very hierarchical, with each level enforcing its own set of customs and regulations. Social isolation is the penalty for breaking the rules of the caste system. Western philosophical thought, which despises caste systems, has had an effect on today's youth. More and more individuals are accepting of and marrying within their own caste, which is a reflection of the fact that people choose to marry for love.

Some castes consider intercaste marriage a capital offence, punishable by social exclusion or even execution by the couple's own relatives or khap panchayats. It is conventional for Indians to marry within their own ethnos, tribe, village, caste, or sub-caste. This marriage practice is known as endogamy. The strict divisions of the caste system are beginning to dissolve as a result of Westernization. But a lot of socialists think the two systems complement each other. Some parts of Indian culture still hold on to the traditions and fight against any change from the old ways of doing things, even though most Indians are going through a transformation and embracing modernization. The upheaval started in June when the Delhi High Court rejected a PIL that had asked to change the Hindu marriage law such that same-gotra (clan) marriages were forbidden. This discontent, argues Sangwan (2008), is not coincidental but rather indicative of a plot by the Khaps, the political and social units of the Jat society, to punish those who refuse to marry inside their own gotra (Rights and Development Bulletin, 2010).

Most people believe the Jats to be members of the Indo-Scythians, also known as the Saka people. The use of the word khap lends credence to the literary assertion that the Jats trace their ancestry back to the Saka tribe. Dahiya (1980) states that the Saka words satrapy and khattrapy, meaning a territory occupied by one tribe, may have been the origin of the word khap, along with many others from other civilizations.

Arun Kumar, a professor, claims that khaps first appeared in the medieval era. Legend has it that the Jat, a powerful ethnic group in modern-day Rajasthan, Haryana, and Western Uttar Pradesh, were the pioneers in establishing khaps (Sangwan, 2008). After leaving Sindh in the 11th century, the Jat people supposedly made it to the Sutlej and Yamuna areas. The original inhabitants of this area were pastoralists, but Kumar says they transitioned to farming and eventually became fully agricultural. The Jat people established khap communities and built canal

villages. Members of the same gotra clan would often settle in close proximity to one another, with clear clan boundaries separating neighboring settlements. As the Jats transitioned to an agricultural lifestyle in the 1500s, their clan systems merged with the dominant socio-caste feudal systems in the area. This khap social order, which is centered on clans, became the norm in Haryana. Pastoralist groups that transitioned to agriculture eventually abandoned their gotra systems but maintained feudal familial social structures (Kumar, 2012: 59).

Additional information on the khap panchayat's past may be found in an unpublished handwritten document. Meeting dates and places are described in detail in the khap panchayat 'pothi' written by Pandit Kanha Ram. The khap panchayats reportedly united in the 'pothi' to resist the oppression of the rulers throughout the 15th century. The 'pothi' could not be found, however (Bharadwaj, 2012). The process of making khaps is neither standardised or recorded anywhere. Initially, they were organized into many villages. Different khaps were originally defined by their respective geographical borders; over time, this expanded to incorporate socioeconomic status. Another important way the khaps are categorized is by the connections of family, which place a premium on caste and land ownership. One gotra has complete power over several khaps. If there are other gotras or castes in the same khap, they either have less land or fewer people.

Decentralization and democracy were the goals of the Panchayati Raj System, which was implemented in India. Khap Panchayats, a form of local court, are acknowledged as possessing complete legality and power as 'Honor Keepers.' In between them, there is an effort to impose retrograde viewpoints. The khap system is based on patriarchal and feudal values. When members of a family, tribe, or town commit brutal deeds in order to preserve their honor, this is known as an honor killing. These kinds of behavior have persisted in today's society for much too long. They are doing two things: conserving Indian culture and encouraging a criminal mindset in the next generation by putting criminals in the public eye. Although the majority of victims live in Muslim and Arab countries, the international community recognizes these atrocities as such. Traditional Khap Panchayats have served primarily as caste panchayats, with members drawn from the landowning upper and middle classes. They have established a power foundation to perpetuate caste systems, subjugated the poor, and function as autonomous justice systems from the state. Although they were formerly prominent in society, these individuals now hold significant political sway.

The Indian judicial system has gone a long way, but it has a long way to go before it can protect our community from justice providers who are unfair and unlawful, especially given our fast social and economic growth. In every instance when India strives to achieve greatness, the verdict of the self-proclaimed court of caste lords aims to discredit our country. Our national honor and constitutional rights are being further eroded by self-appointed judges and courts headed by caste lords. For those who claim to be guardians of honor, this “pattern of crime” is deliberate and systemic. In India, khap panchayats are often only regulated inside their respective villages or between panchayats of the same or different gotras. Most Indian khap panchayats have demanded a change to the Hindu Marriage Act of 1955 that would make it lawful to marry within one’s own gotra or between various gotras residing in the same village. It is thought that male and female members of the same gotra are brother and sister, therefore love weddings are deemed prohibited within the domain of these Khap panchayats. Based on what we know, the Ancient Saka term khatrap, meaning clan territory, could be the root of the modern English word khap. Traditionally, 84 villages have been considered to constitute one khap governmental unit. While chahap panchayats may be found in many parts of India, the ones in Haryana’s Rohtak, Jhajjar, Bhiwani, Karnal, Jind, Kaithal, and Hisar districts stand out the most. The largest khap that has ever lived is said to be Dahiya. Dahiya is the biggest Jat clan, and it encompasses over fifty villages.

Khap Panchayats Role

Institutions among the upper-caste Jat that have their origins in bhaichara (brotherhood) serve to solidify the ruling class’s grip over the whole village or clan. Chaudhary (2004) explains that traditional caste panchayats promote aikya, izzat, biradari, and bhaichara, the four stages of a rural life cycle. The community’s strong men uphold this dominating patriarchal system. The caste system has been further institutionalized in rural regions, where it is most prevalent, by khap panchayats for many years. In rural regions, the panchayat system is structured according to caste, and the lower caste is not allowed to participate. It is composed mostly of members of the ruling caste. People from lower-castes and diverse gotras participate in a khap panchayat, but the patriarchs of higher castes still hold sway. Accordingly, khap panchayats are responsible for overseeing a khap that belongs to the same gotra and includes individuals from different castes, different families, and many

neighboring villages. Geographical or clan membership might be used to organize the khap panchayat. According to Sangwan (2008), there are three distinct types of panchayats found in northern Indian villages: those with just one gotra and one caste, those with both castes and multiple gotras, and those with both castes and many gotras.

Gotra Exogamy Rule

According to the gotra norms, it's all about bhaichara. It is banned to marry within one's own generation since persons of the same generation are regarded brothers and sisters, according to Louis (1980: 77,187). Although Bhaichara bases his description of the connection on familial ties, it is just as much about the social and political links. Thus, it's not just about brotherhood inside a clan or gotra; it's also about fraternity within a hamlet or khap. Jats are exogamous and comprised of several got, or gotras, that are traceable in the paternal line. According to the Brahmanical tradition, every astrological chart (or "gotra") is believed to have a supreme progenitor who was either a wise man or a seer (Tiemann, 1970: 166). Despite this, Jats do not consider themselves sages or rishis but rather the descendant of rajas (Madsen, '91). According to Teimann (1970: 166–167), the Jat caste is more accurately described as a "biradari" ('brotherhood') than a "brotherhood" based on shared ancestry or lineage. This is due to the fact that one is admitted to the brotherhood (kinship by blood) only via birth.

In particular, khaps panchayats maintain bhaichara according to caste, locality, or gotra. Despite their support for khap and rural exogamy, they practice caste endogamy. Because of the common notion that everyone in a clan is a blood related and so regarded a brother or sister, khaps view marriages inside a clan as incestuous (Kumar, 2012). For what reasons is it prohibited to be married within a gotra system? The general consensus among Jat and other members of the community is that a guy should not wed someone from his mother's family, even if they are his brothers, just because. Absolutely not in the maternal line's gotra; they would be her brothers. Likewise, not in the paternal line; those would be the paternal brothers of the paternal father. The foundation of the exogamy system, the gotra, is that brotherhood, which originates in the blood link of fraternity (Teimann, 1970: 169). Marriage is based on that system, which is ancient. It implies that no matter how long the values of gotra exogamy have endured, all efforts must be made to maintain the system and practices of it.

Anthropological Approach to Gotra Exogamy

Consanguineous marriages cause inbreeding, and there is study done all over the world on the effects of sagotra marriages, the many societal norms and ideas that encourage gotra exogamy, and how these things play out in practice. Anthropologists have never before attempted to comprehend sagotra marriages the foundations of incest avoidance or its consequences from the perspectives of socio-cultural and biological approaches, according to the results.

Socio-Cultural Approach

Inter-Satogra marriages are considered incestuous and so forbidden. Levi-Strauss argues that the natural, cultural, or hybrid domains are not the sources of incest prohibition and classical taboo systems. His main point is that whenever anything separates society from nature, the prohibition of incest ought to be the first thing that comes to mind. Similar to how incest is perceived differently in different cultures, the degree to which a social standard is followed and respected varies according to its recorded implications and gravity (Wagner, 1972). Schneider (1972), Freud (1924), and Fox (1967) all offered different justifications for society's prohibition of sagotra marriages.

North Indian customary marriage laws maintain caste endogamy and gotra exogamy. Exogamy based on territory exists in addition to the "kinship exogamy" premise. The majority of caste systems forbid marriage between members of the same village, neighboring villages, or clans within a single village. Cultural norms known as "village exogamy" prohibit marriage and sexual interactions between people of the same clan or village because of the inherent moral closeness of all human beings in that community (Paul, '81).

Weddings are organized between homes of different clans, despite the fact that each Jat clan is considered equal. When two families or heirs from different khaps or gotras are married, it brings together members of different clans and clan territories. The Jat khap panchayats uphold certain marriage regulations that ensure equity between the khaps and the clan. Cultural and social mores in these khap panchayats forbid marriages between males and females of the same gotra. It was said by Bharadwaj in 2012.

The caste panchayats are bound by tradition to disobey the sagotra and inter-caste marriage rules outlined in the Hindu Marriage Act of 1955. However, as Uberoi (2002) noted, there is a great deal of diversity in the marital standards, prohibitions,

and behaviors throughout India, especially between the southern and northern areas.

Gotra endogamy was taboo among the Jats of Haryana, according to Teiman ('70), who researched their culture. The Jats thought it was absurd that people could marry inside their own gotra, thus they avoided talking about it. Gotra exogamy was their sole rationale for treating humans with dignity and respect. Also, they thought that keeping women for marriage inside their own gotras would be detrimental to the survival of the 'Jat' caste. In order to form a larger community, it is necessary for women to marry men from other gotras. The merging of the same gotra would cause allegiance to develop to the affines of that gotra, hence marriages between the same two villages are necessary in addition to sagotra marriages. They check that the couple and their offspring won't have a two-generation stranglehold over the relationship. Reassertion of the agnatic principle over the cognate one.

The Jats, like many other North Indian castes, forbid 'descent group' marriages in addition to 'reverse' and 'repetition' marriages (Dumont, '80; '66: 104). Regarding clan endogamy, it is also observed that the restriction of reversible, cross, and parallel marriages serves to deter the weakening of clan allegiance (Milner, '88: 150). The community's violent practices, including as consanguineous marriages and caste endogamy, have persisted despite the passage of time. Aggrieved and aggressive behavior from local governing bodies has been on the rise. As a result, many people have been killed and married couples have been forced apart. From a sociocultural point of view, sagotra weddings appear to have very little acceptance in khap communities. Traditional practices and more contemporary ideas coexist in modern society; nonetheless, in certain parts of Punjab and Haryana, modern practices are invading Sagotra marriages, which are considered a violation of khap panchayat norms and are punished accordingly.

Biological Implications of Endogamy

Khap uses scientific evidence to bolster its objection to sagotra marriage. While defending khap in an interview, Satyapal Singh (former Commissioner of the Mumbai Police) brings up the genetic damage of sagotra marriage as a result of inbreeding. In order to understand the khap panchayats' stance against sagotra weddings, it is necessary to consider the numerous instances of inbreeding within groups and the prevalence of genetic illnesses. The prevalence of recessive genetic

abnormalities and related health issues is higher in societies where there is a high rate of consanguineous marriage (Bittles, 2009).

The distinctions between consanguineous and non-consanguineous marriages provide light on the causes and effects of inbreeding. Researchers have used a wide range of inbreeding and non-inbreeding couples in their attempts to prove a causal relationship between consanguinity and inbreeding illnesses. Research by Afzal in 1988 examined the cognitive differences between in-bred and out-bred children of Ansari Muslims living in the suburban and rural areas of Bhagalpur, Bihar. The results showed that the offspring of in-bred marriages had lower verbal IQs than those of out-bred marriages. The prevalence of congenital malformations is more than twice as high in consanguineous marriages as it is in non-consanguineous ones, and this is true even in industrialized countries where the practice of consanguinity is common. There is a monetary burden on families dealing with genetic disorders and abnormalities, and the costs exceed the benefits in consanguineous marriages, according to the findings and generalizations.

Members of the Khap caste, clan, and gotra (hence the variations: Dahiya Khap, Sangwan Khap, and Satrol Khap) congregate in Haryana at the Khap Panchayat to characterize one another. Chaurasi in Sonapat and Meham Chaubisi in Rohtak are two examples of regionally called Khap varieties. Rohtak, Sonapat, and Jind are the three districts in Haryana where the Jat population is the largest, and these areas are where the Khaps are most active. They run themselves like courts, with the help of the elders of the ruling caste. According to Prem Chaudhary, there is no functioning democracy in Khaps and the region is structurally and operationally isolated. Over the villages, khaps keep an eye on what the community members are up to as a cohesive entity. They are effective in resolving marital disputes and other problems of varying severity. Traditional rituals of the Khaps, such as gotra and bhaichara, are their main focus. Jind, Rohtak, Bhiwani, Sonapat, Rewari, Mahendragarh, Charkhi Dadri, and Jhajjar are some of the neighboring districts in Haryana that make up the Jat belt. This belt has around 120 khaps.

A Gotra Khap Panchayat consists of members from a single Gotra who are located in different parts of the country. The Dahiya Khap and Dahiya Gotra are two such examples. At the same time, a broader category known as Sarv Khap Panchayat encompasses all gotras within the larger caste group. All khaps, including the Sarv khap, had a positive function in bygone eras. Individual Khaps would select or designate leaders, and those leaders would then be sent to the Sarv Khap Panchayat

assembly to represent their communities. Political and social units were the Khaps. The fact that the Khaps represented everyone, regardless of their caste, faith, or region of operation, is evidence of their inclusion. Discussions in the Sarv Khap Panchayat center on bhiachara, property rights, and gotra marriages.

Influence of Khap panchayats in resolution of Dispute

In the past, Khap Panchayats have worked to strengthen communities and preserve their traditions. Because of their aggressive nature, the Jat people have long held sway in the Khaps. They were able to repel invasions by the British and the Mughals thanks to these characteristics. The Khap Panchayats evolved into a system of local government, law enforcement, and social welfare throughout time. As a body for resolving conflicts, it assumed the responsibilities of the community's elders, who are both wise and experienced. Because of their proficiency in resolving conflicts, the villagers came to trust the Khaps and started to adhere more closely to their choices. The matter was first brought before the Tappa Panchayat and subsequently the Khap Panchayat. The chief of the wished-for Khap Panchayat has the right to file an appeal with the Sarv Khap Panchayat if he or she is unhappy with the decision of the aforementioned panchayat.

The Khap Panchayats pronounce penalties and resolve disputes at the meeting. One such clan is represented by the Khaps. Its influence on the social circle is substantial. None of the Khaps are women. It is not simple to go against their judgments because they are all decided by everyone. Among the many punishments meted out to those found guilty are fines and expulsion from the community. The social boycott of the accused and their family, known as hookapani band, occurs in severe cases. No one in the hamlet will even offer that individual water or a hookah because of this.

Khaps and Politics

Both the political groups and Khaps stand behind their judgments. Political parties also receive support from Khaps since they constitute a sizable portion of the electorate. For that reason, people must respect the Khaps and not rebel against them. Another way that the territories under the Khaps are classified is by the political party that the area leans toward. Most likely, Congress will have the backing of the Bhiwani, Rohtak, Jhajjar, and Sonapat Khaps. During their two terms in government, Bhupinder Singh Hooda, the previous chief minister, and

Kiran Choudhry, the current member of parliament, have both made this point very apparent. Former Chief Minister Bansi Lal's daughter-in-law is Choudhry. The Khaps of Sonipat 360, Meham Chaubisi, Sangwan, and Dahiya all rallied behind them.

The Khaps of these areas supported the previous chief minister, Devi Lal, in the 1980s. Nevertheless, the Khaps were uncertain about endorsing Om Prakash Chautala, his son, in the 1989 assembly elections. A large number of people follow Khaps, and they vote for them. Hence, in order to stay on good terms with Khaps, every political party encourages and supports them. This shows how much influence the Khaps have. That Prime Minister Modi addressed the matter is significant in this respect. In his speech given in Jind on the eve of the 2014 assembly elections, he mentioned the Khaps in passing and conveyed his respect for the territory administered by the Khap Panchayats.

The Khaps have several strange rituals that they follow. Both the general public and elected officials back the Khaps, although their candidates have a consistent track record of defeat. But if the Khap leaders choose to support a party candidate, that candidate would very certainly win, showing that the Khap Panchayat is not working together at all. The heads of the Khap Panchayat are competitive with one another. The Khaps will tolerate party leadership but will not follow orders from other Khaps. The Chaudhar Power Game is how this is characterized. This is the kind of harmony that the Khaps enjoy. Tek Ram ran as an independent against Jind in the 2014 Pentagon elections as the Congress party did not provide him a ticket. A BJP candidate from the Baroda assembly, Dada Baljeet Singh Malik also serves as chief of the Gathwala Khap in Sonapat district. In addition to the other candidates, the Athgama Khap chief from Rohtak district, Shamsher Singh Kharkhara, ran for office on the INLD ticket. Unexpectedly, he re-ran for the assembly elections a few months later, this time under the Meham from BJP banner. Santosh Dahiya, an INLD candidate, was fielded from Beri. In the Sarv Jatiya Sarv Khap Maha Panchayat, she oversaw the female members. It is worth noting that none of the stated contenders were successful, despite their ties to the Khaps.

In the opinion of most observers, Khaps' clout in politics is dwindling. In September 2018, JJP was formed as a result of the dissolution of I.N.L.D. During this time, the Khaps also failed in their efforts to broker a settlement among the Chautala family members. Despite the Khaps' popularity in 2019, they were completely disregarded by the political parties, who did not grant them any seats.

For the Jind by-election, the Congress, the INLD, and the JJP all gave their support to a BJP candidate. He was never given a ticket. He tried to run as an independent, but he was not successful.

Khaps as a Politico- Socio Organization

The interviews with Khap leaders and social activists can be used as a basis to examine the political function of Khap Panchayats. Political involvement by Khap leaders was a major factor in the group's disintegration. According to Hardeep Ahlawat, Khap leaders who get involved in politics don't have much sway on the people. Conventional wisdom holds that the Khap chiefs will stay out of politics and refuse to back any particular political candidate. But the people will have to determine this in the end.

Presumably, the Khap Panchayats hold considerable sway, says social scientist Prem Chowdhry. In addition, he says that they hold ultimate decision-making power in the hamlet. This may be due to a fear of social rejection or an irrational dread of dying. The Khaps hold sway over the panchayats. Khaps has the backing of the local chief. The reason behind this is that they require the support of the Khaps in order to be voted to power. Here is where decentralization and grassroots empowerment fall short as basic ideas.

M.S. Malik, a former director general of police in Haryana, notes that the Khaps maintain some kind of moral power. Even if the Khaps system has always been "good," corruption has found its way into it as a result of certain special interests. According to the Khaps, the local Sabhas are also frequently accused of corruption. Despite not having any official power or dealing with money, the Khaps have managed to gain some respect. Actually, they do a lot of good for the society; they find solutions to problems that go beyond what the law can handle.

Someone else has put forward the argument that Khaps should have been abolished once the Panchayati Raj System was put in place. The failure of Panchayati Raj Institutions (PRIs) to adequately carry out their duties has allowed the Khaps to thrive. Contemporary Khaps prioritize caste weddings above larger systemic issues such as female feticide, drinking, and dowry, despite the fact that the Khaps have a history of reform. Because patriarchy permeates throughout North Indian society, the Khaps are similarly severe when it comes to making decisions. Despite several threats, she has spoken up, making history as the first woman to bravely interrupt a Khaps meeting.

Society is shown to us by the Khaps. The class system is the direct cause of Khaps's effect. People would always have a need to visit the Khaps when the caste system is in place. If the village chiefs begin to use their authority, then things will begin to change. The fact that Khaps are now a pressure group that is imposed is the worst part. For a political candidate, khaps might be the deciding factor in an election. When it comes to the battle against female infanticide and the dowry system, the happiest people have been the khaps. When it comes to the battle against female infanticide and the dowry system, the happiest people have been the khaps. The "Beti Bachao-Beti Padhao" movement has already begun among the Khaps.

Impact of Khap Panchayat on Marriage Rules

There is an exploitative authority called the Khap Panchayat that has strict regulations that treat all boys and girls in the Khap as siblings, regardless of their biological relationship. People who are born into the same zodiac sign are considered siblings according to this system of classification, which also incorporates the concept of gotra. Love marriage is severely frowned upon in villages that are ruled by the Khap. No resident may marry within their own gotra or even to a resident of another gotra in the same village. Because of the common belief that all villagers of the same age and gotra are considered siblings, several young couples have sadly died for breaching Khap laws. In ancient times, the common practice of honor killing was to execute the bride and groom if they were not members of the same hamlet, gotra, or Khap. But, as social boycotts of the perpetrators and their families have become the norm, these harsh patterns have diminished to some extent.

The Khap Panchayat is responsible for overseeing its designated territories and communities and making a number of important decisions. Decisions like this disproportionately impact girls and women. Khap Panchayats regulate when girls and women can go to the market, in addition to outright banning practices like love marriages, intercaste weddings, mobile phone use, and gotra endogamy. On April 19, 2011, Justices Markandeya Katju and Gyan Sudha Mishra of the Supreme Court delivered a landmark judgement regarding Khap Panchayats. The ruling labels the North Indian Khap Panchayats as "feudal and barbaric" and an unlawful organization. A long-established feature of rural India's form of municipal government has been the Khap Panchayat, which is also prevalent in the western Uttar Pradesh area. They believed that Khap Panchayats would be abolished following independence, even though the Panchayati Raj System had been in existence for some time.

Nevertheless, in the rural regions of western Uttar Pradesh, the Khaps continue to hold authority. Since Khap Panchayats are skewed toward women, they give them disproportionate say in important decisions. Almost every system of social and cultural hegemony is subject to their scrutiny, including attire, partner choice, education, dowry, and caste. It appears contradictory, yet there have been some disagreeing voices heard, mostly from women. A few of courageous individuals have publicly demanded the emancipation of the Khaps, as mentioned by Yadav (2009). When it comes to many matters that impact women's life, there is an obvious lack of agency and control.

The Concept of Honour Killing

Despite the lack of a clear definition, "honour killing" is commonly used to describe assassinations that occur under the control of a Khap Panchayat, typically by relatives or others of the same social status as the victim. These killings are carried out as an act of revenge, usually in response to actions perceived as having brought "dishonour" or "shame" upon the family, caste, or class. Among the many things that can be characterized as "dishonour" or "shame" are:

- Dressing in a way that is socially unacceptable;
- Being open to marrying someone of one's own choosing or refusing to participate in an arranged marriage;
- Engaging in sexual relations with someone of the opposing sex or of the same sex.

Killing for honor essentially boils down to taking the lives of younger people as a result of the generational divide between traditional and modern ideals. The impact of contemporary thought is most noticeable among the younger generation, whose ideals frequently clash with those of their parents' generation. Disagreement and different perspectives are results of this generation divide. Also, this generation feels pressured to make bold choices on their own, regardless of whether they have all the information they need, as a result of the impact of Western thought on their quest for independence.

On top of that, women have shown that they can be strong and independent thanks to this shift. That is why women are seen as nothing more than "possessions" and "honors" of their husbands, family, caste, and community at large. This goes against patriarchy head-on. One of the grounds for the honor killings is the prohibition of same-gotra or inter-caste marriages in ancient Hindu texts, which is associated with women's virginity.

Mehrana Killing, 1991: In a remote village, Roshni, a middle-class Jat woman, tragically eloped with Vijendra, a member of the long-extinct Jaatav caste. A friend of the boy's offered assistance. However, the natives managed to apprehend all three of them. The Village Khap Panchayat gave the dreadful order to hang them from a tree and burn them. The next morning, the three were mercilessly burnt alive in front of the whole village as an execution of this horrible demand.

Manoj-Babli Murder, 2007: The murder case of Manoj and Babi is a watershed moment in the annals of honor murders. In June 2007, a tragic occurrence occurred between Manoj and Babli, a newlywed couple. The murder was plotted by a Khap Panchayat from the hamlet of Karoara in the Kaithal district of Haryana. Although Manoj and Babli were not biological relatives, the Khap Panchayat erred in its presumption that they were brothers since they belonged to the same Banwala gotra within the Jat tribe. Therefore, the Khap Panchayat ruled that their marriage was invalid. The couple persisted in their marriage despite this choice, leading to their abduction and eventual murder at the hands of the deceased's relatives. Due to the extraordinary conviction of the accused for an honour killing, this case signifies a watershed moment in the history of the judicial system.

Shiva Kumar and Megala, 2010: In India, honor killings are common and often orchestrated by Khap Panchayats. Tragically, Megala, who was twenty years old, was informed that she could not wed Siva Kumar, who was twenty-four years old, due to their purported family connections. Consequently, Megala's family arranged for her to be married overseas in June 2010. But Megala did elope with her lover. In a terrible twist of events, Siva Kumar was savagely killed with sickles once the family found out about the couple. This tragic story highlights the horrible consequences of conforming to societal norms and the lengths to which some families will go to preserve long-gone practices, both of which can lead to horrific acts of violence.

Law on Honour Killing

Honour killings are still legal in India, despite the fact that they are a terrible crime that has taken many lives. In both the 1973 Code of Criminal Procedure and the 1860 India Peal Code, the term "murderer" is used to describe an honour killer. The perpetrators may go unpunished because members of the society often justify honor murders. On top of that, under their "legal system," Khap Panchayats kill their relatives. The criminals will be harder to apprehend as a result of this. Police officers often neglect to submit First Information Reports (FIRs) because they are

unable to apprehend the perpetrators or collect sufficient evidence. Somehow, the conviction rate is zero when cases are pursued after a FIR is registered.

In 1954, a new kind of marriage was created for all Indian inhabitants by passing the Special Marriage Act, which did not discriminate based on caste, class, religion, or any other social divide. Legal recognition and registration of inter-caste marriages was another goal. Nevertheless, there are limitations to the act. It specifies that a married couple cannot have any kind of legally limited relationship with one another. It is still possible to legally complete a marriage between persons who have those forbidden connections if one of them follows a tradition that permits marriage.

Even though intercaste marriages are illegal, caste is nevertheless an issue in many regions of the nation. Modern India has made strides toward a more egalitarian society, but the country's traditional class stratification remains strong. Because of the blurring of traditional caste lines, there have been several reported cases of intercaste marriages in urban areas. But getting the word out in rural regions has been a real challenge. Panchayats, or informal courts, are robust systems in these regions that operate independently of the constitution. Social matters, such as divorce, and disputes over land and water are only a few examples of the many things that fall under their purview of authority. Maybe because they can't read or write, the villagers put greater stock in the decisions made by the panchayats than in those made by the official courts.

Criminal Jurisprudence of Honour Killings

Even though intercaste marriages are illegal, caste is nevertheless an issue in many regions of the nation. Modern India has made strides toward a more egalitarian society, but the country's traditional class stratification remains strong. Because of the blurring of traditional caste lines, there have been several reported cases of intercaste marriages in urban areas. But getting the word out in rural regions has been a real challenge. Panchayats, or informal courts, are robust systems in these regions that operate independently of the constitution. Social matters, such as divorce, and disputes over land and water are only a few examples of the many things that fall under their purview of authority. Maybe because they can't read or write, the villagers put greater stock in the decisions made by the panchayats than in those made by the official courts.

The matter is so grave that the government is considering revising the Indian Penal Code (Sections 300 and 354), the Indian Evidence Act of 1872 (Section 105),

and the Special Marriages Act of 1954 (Section 106). The goal of these revisions is to remove the provision that requires a 30-day notice for weddings performed under the Special weddings Act. Parliament will soon hear the Indian Penal Code and Other Laws (Amendment) Bill, which aims to clarify the country's legal structure and address problems like honor killings.

With three amendments to the aforementioned clause, the onus would now be on the accused khap panchayat members and their relatives to show their innocence, rather than the state, which is now responsible for establishing guilt. Part 300, clause 5, of the Indian Penal Code reads as follows: "If it is done by any person or persons acting in concert with, or at the behest of a member of the family or a member of a body or group of the caste or clan or community or panchayat (by whatever name called) in the belief that the victim has brought dishonor to the family or to the caste or to the clan or to the community or to the panchayat of that caste."

Among the many possible meanings of "dishonor" and "perceived to have brought dishonor" is failing to dress in a manner befitting one's family, caste, clan, community, or panchayat. Murders committed as a form of revenge for marrying outside one's tribal or caste group would also be covered by the new provision. Sex practices that are frowned upon by one's caste, community, family, or panchayat will also be included. All of these violations will be punished with two years in jail, a fine, or both, according to the proposed law.

Nevertheless, the proposed legislation implies that any anyone from a panchayat, clan, caste, or family who commits or aids in an honor killing should be punished with the death penalty because they are considered to have committed murder. Suicide by an intimate partner in response to family threats is considered "murder" under criminal law. Offenders convicted of honour killings face severe punishments, including the death sentence, imposed by the courts. The reason behind this is because honor killings are notoriously rare compared to other types of human rights abuses, and their impact on society is profound and horrifying. While other accomplices have also been sentenced to life in prison based on the quantity of culpability under Section 302 IPC, the courts have also handed down sentences such as these.

The administration also plans to amend the Special Marriage Act so that no longer is a 30-day notice period necessary. Those couples who, despite the disapproval of their family, opt to marry outside of their caste will be protected by this proposed change. During the 30-day notice period, family members who are

against the marriage may resort to violent measures, threats, or even murder in order to prevent the wedding from taking place. At now, the cumbersome and time-consuming procedure of registering a marriage takes 45 days. As the process drags on, the couple faces a number of dangers. Therefore, measures must be implemented to streamline and shorten the registration procedure.

A person's death, or the passing of a person, is also a topic that the law addresses. Here are a few of these theories:

Jeremy Bentham, often referred to as the "father of English jurisprudence," had strong ties to the system of law called "Utilitarian Individualism." Unforgiving in his criticism of wrongs done in the name of law and its bureaucratic procedure, he held a negative view of both the legislative and judicial processes. Additionally, he thought laws need to be enacted that contribute to the common good and was a strong supporter of personal liberty. Utility, according to his view, is the "maximum happiness of the greatest number" when it comes to legal matters. He believed that the primary goal of legislation should be to alleviate suffering rather than cause it.

The maximization of advantages for the largest number of individuals should, according to Bentham, guide human action. Laws, according to Bentham, should aim to enhance happiness for the most people possible. Regardless of how you slice it, Khap Panchayats don't provide much good for the communities they oversee or the country as a whole. Given Bentham's theory of utility, it follows that Khap Panchayats should not have the authority to impose their decisions on the public. This is due to the fact that their methods fail to prioritize the well-being of the majority.

An individual's ability to self-govern and their decision-making within a social context were significant themes in Immanuel Kant's ideas of natural law and legal philosophy. Since each individual is free and unfettered in and of himself, Kant argues that everyone should have the right to freely express his will, unfettered by external influences or dictates. Nevertheless, Kant did stress that in order to get such liberty, it must not be guaranteed by the incapacity of any other man. It is the state's responsibility, according to Kant, to limit the behavior of event goers to a level that is required to safeguard the rights and welfare of other goers. So, while it's true that everyone has the freedom to make their own decisions, the state places restrictions on that right to ensure that everyone's choices are respected. Individuals are free to do what they choose, so long as they don't break the law.

In defending social honor, the Khaps are behaving independently, according to Kant. On the other hand, by limiting the rights of others, especially the young people who aren't allowed to marry anyone they choose, they are going against their own choice. The Khap people believe it is their right to punish those who marry outside of their caste in order to protect their honor. Nonetheless, Khaps disregarded the Hindu Marriage Act, which governs intercaste marriages. In addition, the Khaps do not function inside the Indian Constitution of 1950, so they operate outside of the law.

The structures and decisions of Khap Panchayats are not upheld by the law because of their reliance on Kant's philosophy, categorical imperatives, the Constitution, and the regulations governing marriages across castes. Because they violate the fundamental foundations of constitutional democracy the rule of law and personal freedom their acts are null and invalid and contrary to the Constitution. Renowned sociological jurist Rudolf von Ihering first used the phrase "jurisprudence of interest" in 1918. According to Ihering, social friction is unavoidable since people have different social goals. He proposed a theory he called the "law of purpose" that states that one's will is derived from their aims. In each particular society, according to Ihering, the fundamental goal of law is to protect everyone's interests. He maintained that the rule of law should solely uphold and defend societally advantageous interests. As a result, it needs to get rid of all the competing or negatively impactful interests.

From the viewpoint of its members, Khap Panchayats are organizations focused on community service. However, according to Ihering, the courts, the public, and the same people they claim to rule are strangely hostile to them. Except for the Khap Panchayat, many other groups and individuals publicly condemn the actions of the members of these organizations, including the death penalty, despite their claims that they govern with dignity. This is how Ihering sees it: society benefits more when the Khap Panchayats aren't in use, and society benefits more overall when the Khap Panchayats' operations are interrupted. Consequently, these unlawful groups must be dismantled.

Arguments against New Law

While India does not have any legislation that expressly address honour killings, there are existing legal systems that, when used imaginatively, can result in punishment for those responsible. For instance, the Indian Penal Code (IPC)

section 300 addresses murder and provides a justification for honour killings. To ensure that the police have the resources they need to investigate and prosecute cases of honor killings and death threats via Khap Panchayats, this situation necessitates police reform. The defendant may also be charged with criminal conspiracy under section 120-B of the Indian Penal Code and common purpose to kill under sections 34 and 36 of the same code. Rigid execution of the law can nonetheless bring about justice, even if the current system is far from perfect. To end honour killings, new legislation may be necessary, but it won't be enough. The major focus in order to put a stop to this practice should be on improving and educating law enforcement, making sure the laws are being applied correctly, and raising public awareness.

Supreme Court Views on Honour Killings

A life sentence for perpetrators of honor killings was maintained in the Supreme Court case of *State of U.P. v. Krishna Master and Anr.* Sadly, three people were convicted of the murders of six people from the same family. Even though the court decided against capital punishment, those responsible were nevertheless brought to justice. The court said that the age of the offense was a factor and that the rejection of testimony by the High Court was a reason to acquit. *Lata Singh vs. State of U.P. and Anr.* is another landmark case where a two-judge bench expressed grave alarm at incidents of abuse, threats, torture, and harassment perpetrated against young people who choose to marry within their own caste.

Those guilty must face punishment, the bench said categorically, because such conduct are totally prohibited. The court emphasized the necessity for severe punishments for honor killings, branding them as heinous acts of murder committed by people with savage and feudal attitudes. Judgement in *Armugam Servai v. State of Tamil Nadu* upheld the fundamental right of adults to marry whoever they choose upon reaching the age of majority.

Even if parents disapprove of a kid's choice to marry outside of their caste or with someone they disagree with, the worst that may happen is that they cut off communication with their child. However, parents still cannot abuse or threaten their children in any way. Also, the court ordered the appropriate government agency to prevent any kind of violence, threats, or harassment against civil adult inter-caste weddings. It was also said that anybody who harass, threaten, or physically harm these couples will face legal repercussions.

In an effort to curb honor murders, the government will pursue the following: Justice for the victims of honor killings and the implementation of the rulings in the cases of Lata Singh vs. State of UP and Arumugam Servai vs. State of Tamil Nadu require immediate action from the federal and state governments. Many options are available to them for accomplishing this:

1. **Electoral Disqualification:** A minimum of five years should be imposed on anyone found guilty of honor killing in order to prevent them from running for office. This action sends a message to would-be perpetrators of such horrific acts that they will face repercussions if they do.
2. **Establishment of Fast Track Courts:** There ought to be a dedicated judicial system for honor killing cases so that trials can go more quickly. As a result, the victims' families may be assured that justice will be served by the courts, and protracted legal disputes will be avoided.
3. **Amendment to Special Marriage Act:** The current one-month registration term for marriages can be cut to one week with a modification to the Special Marriage Act. Especially in cases when couples encounter obstacles due to inter-caste or inter-religious weddings, this will enable them to register their marriages more quickly.
4. **Amendment to Indian Evidence Act:** Each accused person should be personally held responsible for providing evidence. This amendment to the Indian Evidence Act would make it possible to criminally accuse individuals without having to prove their guilt.
5. **Amendment to Indian Penal Code:** An additional section defining "honor killing" and outlining the penalty for the crime ought to be inserted into the Indian Penal Code. By doing so, we can better define the law's stance on honor murders and make it easier to prosecute those responsible.

Governments may streamline the judicial system, reduce the likelihood of honor murders, and strengthen the legal system if they prioritize these areas. Justice will be served and the rights of vulnerable persons and couples will be safeguarded in the end.

Discussion and Conclusion

An essential part of Indian society for a long time has been the khap panchayats. The khaps continued to function normally even after the British established a more

contemporary judicial system in India. Khhap panchayats are just as influential now as they were before. Despite the country's constitution, administration, and legal frameworks, the khaps maintain community confidence because they offer a social control mechanism that allows individuals to make strong judgments with little expense. The khaps care deeply about the well-being of their people and their culture. In order to maintain social order and tranquility in the village, the khaps control the sanctions, which in turn govern the social structure of the community.

The “Khap Panchayat Jat Jati ki Sarvocha Nyaya Sanstha” website and blog is a relatively new initiative by the chap panchayats. On that platform, an editor publishes articles and extends an invitation to anyone to contribute, discuss, and comment on the many khap panchayat initiatives. The public is informed about recent happenings and the existing state of affairs in relation to the khap panchayats through editorials, articles, and other sources. News stories from a variety of publications are provided by the editor. Organized into many areas, the website offers informative material. Starting with the origins of khap panchayats and ending with the latest news on gotra weddings, each part delves into a different topic. Notably, both positive and negative criticisms of khaps will be published by the editor. Also, khap panchayats have been noticeable in a lot of hamlet affairs. As an example of caste prejudice, consider the situation of a family from a higher caste that constructed a wall to keep out a Dalit household. The village's social harmony was shattered. By demolishing the wall, the local sarpanch and other powerful individuals brought about peace.

There has been some buzz about the Jats' petty husband-and-wife marriage and the ruling from the worthy parents. Most of them are super-fans of Gotra. Some people's sense of identity is deeply rooted in their gotra beliefs. On one occasion, the National Commission for Backward Classes mandated that a Jat community do a poll to ascertain whether or not their caste should be included in the official list of backward classes. An exemplary instance of this was this. In the socio-economic caste census (SECC), respondents were requested to use their “gotra” instead of their “caste”. Consequently, Jat identification was a challenge, and the survey was postponed. This proves that the Jat people are cognizant of and connected to their gotra identities. So, it's more than just a directive from the village chiefs; it's an order that's followed by most, if not all, of the villagers. While some hold the view that khap panchayats do not serve the public good, others maintain that they make choices based on values.

By focusing on their public image, Khap institutions are starting to repair their tarnished reputation. They are beginning to act in a productive way towards the people who elected them. Many of the positive landmarks in Khaps judgments, especially those that target women, have similar tendencies. For example, there have been rulings that prohibit female foeticide and fetal sex determination, as well as dowry and excessive spending on a girl's wedding in an effort to alleviate financial strain on families. Such cases demonstrate a complete about-face in favor of the people they are serving. The Satrol khap in the district of Hisar in the Indian state of Haryana was the first of its kind to break with its 650-year-old marriage tradition and allow inter-caste marriages with parental agreement, of course. The panchayats of khaps and two, more traditional, surrounding villages, Nogama and Baraha in Jind district, have welcomed this decision with open arms, and it has also garnered the highest praise from society as a whole.

Although younger generations are ecstatic with the khap's decision to legalize interracial marriages, older generations remain divided on the matter. The Bachelor's of Bass (Hisar) Hall has an even lower sex ratio than the state average (801:1000), therefore there's a larger possibility of finding a mate there. By loosening the restrictions, the likelihood of marriage will rise universally. To all appearances, the verdict is in keeping with Sant Kabir's words, "Jaat nahi jagdish ki, hari-jan ki kaha hoye; Jaat paat ke keech mein doob maro mat koye."

As part of their efforts to consolidate power in the villages, the khaps have recently relaxed several marriage regulations. They intend to help the people, but they're setting their own conditions. The authorities have opted for this strategy as a means of surviving in the modern era. Their decision may have been too little, too late, but at least they've earned a reputation that will keep this institution afloat for the time being. Khhaps are primarily utilized as patriarchal, politically charged, and non-constitutional social control units in rural parts of northern India, specifically in the states of Uttar Pradesh, Rajasthan, and Haryana. The vast majority of civil society members oppose their extremely retrograde decrees on personal liberty and intra-caste/intra-gotra weddings, but a small number of them continue to defend their role in social welfare and conflict resolution. In India, the official system of law and justice does not apply to Khap Panchayats. The Panchayati Raj Act and the Indian Constitution do not recognise them. According to India's highest court, their conduct is "wholly illegal" and akin to "kangaroo courts." The majority of judges in these courts are men, and they are mostly from the middle and higher castes,

who own property. For the most part, males and those at the very top of the caste hierarchy are still the ones who get to make decisions. The patriarchal structure and caste system are often reinforced by judicial rulings.

“Honor” and tradition are entrusted to Khap Panchayats. Khaps consider themselves defenders of the traditions, culture, and “honor” (Bhaichara) of their society. As a result, rigid social standards are typically enforced, such as women’s dress rules and significant limitations on their access to technology or freedom of movement without an adult present. Marriage regulations are enforced by Khap Panchayats. In particular, they frown upon incestuous or otherwise dishonorable marriages between different castes, as well as marriages between members of the same gotra (clan) or hamlet. Serious penalties, such as social exclusion, monetary fines, separation from loved ones, or even “honor killings” in the most extreme circumstances, might result from violations. The political clout of Khap Panchayats is considerable. Because khaps are powerful vote banks in their areas, governments are afraid to crack down hard on their illegal operations. Political parties or agrarian movements frequently employ them to rally support and solidify control. Disputes can also be resolved through the use of Khap Panchayats. Many people in the area continue to use Khaps as an alternative to the expensive and cumbersome court system because they are seen as a quicker, less expensive, and more accessible way to settle local conflicts (such as those involving land or small civil concerns). The functions of Khap Panchayats are not always clear. Despite heavy criticism for human rights breaches, certain Khap Panchayats have taken steps to enhance their public image by addressing social welfare concerns. These include preventing dowry, female foeticide, and exorbitant wedding expenses, as well as supporting girls’ education. Nevertheless, these constructive endeavors frequently coexist with their oppressive and unlawful demands, underscoring the dynamic and contradictory character of contemporary India.

A formidable force deserving of complete submission, the Khaps have recently arisen. Every hamlet under the Khaps’ control adheres strictly to the rules that the Khaps establish and spread. One important component of the vote bank is the Khap Panchayats. Because political parties rely on the backing of the Khaps to win elections, no person or party can risk losing power by daring to challenge the decision of the Khaps. The violent and aggressive behavior in Khap must end, and it is time to put an end to these long-standing wrongdoings. The honor-heritage is a way of saying that fundamental human rights have been violated, thus the people must be

aware of their liberties as Khap's bondsmen. The right to life and liberty (Article 21), the right to equality (14), and a plethora of other colorful fundamental rights are all infringed, including honor murders. Due to the society's male-dominated norms, women face more challenges in Khap Panchayat. In perfect scenarios, males assume dominance and blame women for every accident. In cases where there is no pressing reason to limit the feminine side, it is not always ethically justifiable to target just women. It ought to be fair for all Indians.

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