

HARYANA'S KHPAN CHAYATS

Understanding their *Gotra* row

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Haryana's Khap panchayats continue to make news with their belligerent stand for what some people call their 'archaic code of honour' and 'retrograde thinking'. The panchayats, however, refuse to buy the argument. They have served their people for thousands of years, they say, and are still useful in many ways.

The two opposing stands need a middle way that understands both for resolving the conflict. History may, I think, stand a good stead here.

'Tributary Republics'

The Haryana villages have always been, what Sir George Campbell, an authority on the subject, aptly calls, 'tributary republics' throughout their long history. Countless rulers came and went but hardly anyone tried to change their cast or character. 'Those in possession of village areas were left in possession, and were allowed to manage their own affairs, subject only to the State right to receive its dues'.

The village panchayats, comprising, in Sir Percival Spear's words, 'rustic philosophers' chosen by the villagers themselves, took care of the common affairs of the villages.

The people's own creation which helped them live securely, this dispensation worked creditably and resiliently, withstanding the onslaughts of nature and man through ages. Sir John Lawrence, who had pretty intimate knowledge of Haryana villages, has explained the truth very aptly in his classic assessment of 1844. '(At no other place) the ancient village communities are', he says, 'in such excellent preservation (as in the Haryana territory), or where the practice of our civil courts has done so little harm. ... Bound together by the ties of blood connection and, above all, common interest, like the bundle of sticks ... they are difficult to break'.

Sir John's countryman, Thomas Fortescue, a seasoned bureaucrat of almost the same time and standing, elegantly described their functioning on the principle of justice, equity and fair play. 'Injustice or partiality are not charged to these tribunals', 'he says,' and it is no weak proof in their favour that we found a perfect equality amongst the people in rank and fortune'.

Small wonder, then, we see, as hinted above, neither the church nor the state, whatever their nature, trying to interfere in the affairs of our villages. Even the great Mughals kept away. And surprise of surprises, even the British based their civil legal system, to a large extent, not on the modern tanets or the *shastra* and *sharia*, but on people's laws – customs, first codified as *wajib-ul-urz* (village customs) and later *Riwaj-i-Am* (general, district level customs).

The secret of survival

How, one might ask, these organizations could stand and survive the way they did over centuries ? There have been several reasons for that, the wiseheadsay, but two seem most important – one is recognition of diversity on their part and the second is decentralization of their functions and power. The village consisted of several social entities like caste (Hindu, Muslim, etc.), clan (*gotra*), *khandan* and *parivar*. Each one of these had distinct identity and governed its own affairs autonomously, through panchayats in the first two cases and through their elders (*bujurgas*) in the latter. Concerned as we are here with *gotra* panchayats, popularly called *khap* panchayats in some regions, especially in the ones dominated by Jats, let us discuss them at some length

The *gotra* (*khap*) panchayats

The word *gotra* has several meanings. However, in the region under study, i.e. Haryana, it means an 'extended family' – '*bhaichara*'. Contextually important as it is, it may be pointed that

the *gotras* are of two types – in case of one we know distinctly their origin and history and in the case of second both the things are not known distinctly. Most of the Jat *gotras* belong to the first type. We know the histories of the founding of most of their villages and their origin. Let me elaborate it.

(1) The four *gotras* (clans) of *Jakhar*, *Kadian*, *Piru* and *Sangwan* settled in one locality in Rohtak have sprung from four brothers born of one father, namely Lada (*Jakhu*), Kadi, Piru and Sanghu. Being blood-relations, there has never been, thus, any question of inter-marriage with one another in their collectives.

(2) Similarly, *Dalal*, *Deswal*, *Man* and *Sihag* clans, who sprang from four brothers, Dille, Desal, Man and Sahiya respectively, being brother-*gotras*. They would not marry with each other.

(3) *Ahlawat*, *Auhlan*, *Birmah*, *Marah* and *Joon* clans had similar origin from the five brothers Ahla, Aula, Birmah, Marah and Joon. Hence no inter-marriages.

(4) And so was the case with *Rathi*, *Rohal* and *Dhankar* clans who sprang from two brothers, Bhaga (*Rathi*) and Jogi, the former from Bhaga (*Rathi*), and the latter two from Jogi's two sons, Rohal and Dhauna. Hence, no marriage among their off-springs.

(5) Same is the case with other major Jat clans like *Hooda*, *Malik* (*Gathwala*), *Dahiya*, *Sehrawat*, *Gulia* and 137 minor ones. They forbid marriage within their own clans, i.e. *sagotra* marriages on the same count.

The intensity of the feeling of *bhaichara* and of hurt if the feeling was hurt, was, and still is, deep and wide in the blood-*gotras* as they know for certain that they have close *bhaichara*. It may not be so deep and wide in the case of those *gotras* whose history of origin is, for reason of longer time or any other reason, not distinctly known.

The present problem

Why marriages are, many people ask, the main problem with the khap panchayats ? 'Why should they interfere in this personal matter of people? Their interference has historical basis. Marriages have always been, as Ian Talbot who has studied the subject at length says, important factor in maintaining *biradaris'* cohesion, identity and integrity through ages.

Therefore, 'these were always strictly regulated by the *biradari panchayats* or ruling councils.' In other words, the individuals were, and are, absolutely free to contract marriages but with some restrictions necessary for greater good of the *biradaris*.

The people have followed the panchayat rules for ages – literally and religiously. In the present times, however, these have begun to receive jolts, especially after the passage of, first the Hindu Marriage Disabilities Removal Act, 1946 and, later the Hindu Marriage Act, 1955, permitting *sagotra* marriages. The law-framers did not care to understand people's feeling. The people do not care to understand their law. They consider their time-tested law (custom) as sacred. The result is : conflict, and chaos and sometimes even violence.

Solution of the problem

(I) Informed people with just disposition in the civil society, government, media and others should come forward and help, in public interest, to resolve the problem with the help of the concerned people.

(II) The hostile critics of the panchayats and 'village values' – the element of *bhaichara* in this case – should borrow Gandhiji's eye to look at the problem and create a healthy atmosphere for resolving it.

In the end, an important historical fact should be carefully noted to have a proper historical perspective to clear misunderstandings about this old institution. The foremost charge against the panchayats is that they are against change. History is witness to their playing a big role in our poor and backward region in reforming the society and making it what it is today. They brought about renaissance here. Not only that, they played an important part even in the

political matters in the most difficult times in their history. On Gandhiji's call during the freedom struggle, they boycotted official courts and turned their panchayats into *rastriya nayalayas* and their schools into *rastriya schools* (the famous Jat School of Rohtak. Turned as such on Gandhiji's call in February 1921). They started powerful movement for women education (*Kanya Gurukulas, Putri Pathshalas*), Dalit Uplift Movement (*Achhutoddhar Andolan*) and so forth. To paint them as obscurantistic, anti-social change, and 'Talibans' tantamounts to showing ignorance of history. They do change when necessary. They have discarded, over the time, countless outdated, non-useful customs/ traditions/ rituals. They live in modernity without giving up their cultural heritage. They speak Gandhiji's language – 'What we have tested and found true on the anvil of experience, we dare not change. Many thrust their advice upon India, and she remains steady. This is her beauty : it is the sheet anchor of our hope' (*Hind Swaraj*).

No-violence, please

History tells us that panchayats have never used violence or viciousness while resolving problems. They made decisions on the principles of justice, equity and fair play. They used social and moral pressure – not physical or any other force – and/or small, reasonable punishment, to set their erring folks on right path. A few people from the villages who take to violence, killings, etc. should not be confused to have anything to do with panchayats. These abrasions should be treated the way they deserve.

To the youth

A word to our youth. They should, while serving their concerns, always keep in mind Amartya Sen's wise counsel that 'we live in a society and that there are other people around'.

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