

General Studies-2; Topic: Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

Supreme Court on Khap Panchayats

1) Introduction

- A petition was filed in the Supreme Court by NGO Shakti Vahini against khap panchayats, seeking directions to the centre and state governments for preventing honour crimes.
- The centre had also urged the court to put in place a mechanism to monitor crimes against women by khap panchayats.
- Now, the Supreme Court has ruled that Khap panchayats has no right to interfere in any marriage.

2) Supreme Court's Decision

- The Supreme Court declared it was illegal for parents or khap panchayats to interfere in decisions of adult men and women of different castes to marry.
- Attacking adults in inter-caste or inter-faith marriages in the name of being “conscience keepers of society is absolutely illegal”.
- Any adult man or woman can marry anyone of their own choice.
- Under the law, when two people marry, no third party can interfere in an individual or collective capacity.
- khap panchayat cannot summon adults and question their choice of marriage partner.
- The court would step in if the centre failed to take steps to stop such interference.
- Customs were not above human life and rights of persons concerned.
- Police should be held responsible for protection of couples in such matters.
- Whether a marriage is legally valid or not should be left for the courts to decide.
- The SC also mentioned that solution for consanguineous marriages must be derived from counselling such couples rather than encouraging hostility against them.

3) Why did the Court Intervene?

- To check growing instances of honour killing taking place in the name of caste and religion.
- To protect the dignity of all citizens, particularly women.
- Such crimes are also in violation of the United Nations Convention on the Elimination of all forms of Discrimination against Women which provide that women should have the right to freely choose a spouse.
- To protect individual liberty, right of association, and the right of adults to choose their own partners in marriage.

4) What are Khap Panchayats?

- Khap panchayats are caste or community organisations in rural parts of western Uttar Pradesh, Haryana, Rajasthan and certain other parts of India.
- They at times act as quasi-judicial bodies and pronounce harsh punishments based on customs and traditions.
- Khap panchayats are mostly run by male village elders. They have considerable influence in rural north India.
- “khap panchayats” argue that they stand to protect “age-old traditions”.
- They are known for issuing diktats aimed at upholding the socially conservative traditions and resisting modernisation.

- They have also been blamed for ordering serious crimes, including the so-called "honour killing" of couples who marry outside caste or religion.
- Critics accuse them of acting like kangaroo courts.
- Political leaders view communities as vote-banks and khap leaders as the key actors which can swing the community's votes.

5) Khaps interference in the freedom of youths

- There were reports about the Khap in UP ordering the ban on women using mobile phones in public in an attempt to restrict their contacts with men.
- Such orders are against the constitution and curb the freedom of women.
- There were 291 honour killings in India between 2014 and 2016, as per data from the National Crime Records Bureau.
- Often the perpetrators are relatives seeking to punish young couples for bringing "shame" to the family.
- So there is a need for creating awareness among traditional communities through education.