

14th January 2013 – SC Hearing for Khaps

The Tribune Coverage:

We are not Taliban: Khaps tell SC Strongly deny any role in 'honour killings' of couples

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Strongly denying their role in "honour killings" of couples involved in socially unacceptable marriages like inter-caste or intra-gotra alliances, Khaps of Haryana and Uttar Pradesh today took strong exception in the Supreme Court to attempts at projecting them as an equivalent of Taliban, a fundamentalist militant outfit in strife-torn Afghanistan.

Supporting their contentions, top police officials from the two states assured a Bench comprising Justices Aftab Alam and Ranjana Desai that the Khaps had not been fomenting any law and order problem.

"In the last 4-5 years, no Khap or its member was directly or indirectly involved in any crime" against people going against community norms, Haryana's Additional Director General of Police (Law and Order) MS Mann told the Bench.

The Bench had summoned the ADGP and the Superintendents of Police of Rohtak and Jind districts, besides the police chiefs of Meerut district in Uttar Pradesh, to have their views on the feasibility of putting in place a pilot project to prevent the Khaps from taking law into their own hands.

A UP police officer told the court that there was an incident of a Khap panchayat banning the use of mobile phones by girls, but no force was used to enforce it. The Bench remarked that perhaps "it is just the tip of the iceberg" and wanted to know "what is there below the surface."

The UP police, however, maintained that they were not facing any problem from the Khaps. Unwilling to take the assertion on face value, the Bench told them that they need not try to defend the state government and asked them to just narrate their experience.

The Khaps had fielded a battery of lawyers today, including Balraj Malik and Baljit Singh Malikh, to defend their stand. At one stage, Baljit Malikh said an attempt was being made to paint the Khaps like Taliban. However, the PIL petitioner, NGO Shakti Vahini, contended through its counsel Ravi Kant that the Khaps had nowhere been described as Taliban in any of the documents filed by it in the SC.

At this, the Bench remarked that "maybe, it is a Freudian slip" (sub-conscious wish). At the last hearing on January 4, the SC had asked the Khaps to present their views, if they so wished, on the PIL which has sought an end to honour killings.

The Khaps, however, maintained that they were, in fact, doing a lot of good work like creating awareness against female foeticide.

Senior advocate Raju Ramachandran, who is helping the Bench in the case in his capacity as amicus curiae, said the families of couples going against the wishes of the Khaps were left with no option but to kill them. "This is the atmosphere." The Bench wanted to know whether the Khaps were creating such an atmosphere.

In an affidavit filed in the SC today, Sarv Khap Panchayats of Rohtak has contended that the "main culprits for honour killings are not the representatives of Khaps but the near and dear ones of the affected couples and more so the relatives of the girls when they cannot resist the social pressure of the locality and taunts of the relatives."

Therefore, any effort to regulate the Khaps' conduct and role would not have any impact on the incidents of honour killings, it was contended.

The Khaps were not against marriages involving couples from different castes, religions, creed or regions. The Khaps were only against intra-gotra marriages for which they had made a representation to the Central government seeking an amendment to the Hindu Marriage Act 1955 which was a democratic act, they contended. Religious scriptures had prohibited such marriages and as such it should become part of law, they reasoned. The Law Commission had recommended steps to curb the activities of Khaps without consulting them, they said.

The Bench directed all the parties involved in the case to file their assertions in writing by February 25 and posted the next hearing for March 5.

URL: <http://www.tribuneindia.com/2013/20130115/nation.htm#3>

ZEE News Coverage:

No violation of law by UP, Haryana khap panchayats, SC told

New Delhi: Uttar Pradesh and Haryana on Monday told the Supreme Court that there was no incident of khap panchayats (caste councils) issuing unlawful dictats ostracising couples for marrying in the same gotra, fixing dress codes or prohibiting use of mobiles by girls in the last two years.

Senior police officers of the two states, appearing before a bench of Justice Aftab Alam and Justice Ranjana Prakash Desai, said that in recent past, there was no incident of khap panchayats interfering in the lives of the young people including their matrimonial lives.

As police officers from Uttar Pradesh said that there was no incident of khap panchayats issuing dictates or ostracising people for same gotra marriages, Justice Alam said: "According to you in last two years, the khap panchayats have not done anything that was unlawful."

At this, one of the counsel appearing for NGO Shakti Vahini said that "they (khaps) violated the law but that was not given serious consideration". The court was told that "in last two years there may not be dishonour killings, but there are other violations of laws like banning the use of mobile by the girls."

The court said that dictates on the dress code and prohibiting the use of mobiles by girls was unlawful.

Additional Director General (Law and Order), Haryana, MS Mann also told the court that "in Haryana in last two years, there has not been one case where there was any violation of law by the khap Panchayats."

As police from both the states deposed, Additional Solicitor General Indira Jaising told the court that some measures need to be taken and they (police) must be asked what steps they have taken.

Reading from the memorandum submitted by the Sarva Sri, an organization of 23 khaps, she said that they wanted the amendment in the Hindu Marriage Act seeking provision banning the same gotra marriage. Jaising told the court that this memorandum was submitted in the wake of Law Commission report recommending changes in the Hindu Marriage Act.

As she read from the khap's memorandum that said that they adjudicated on civil and family matter, Justice Desai observed: "They are running parallel courts."

As khap panchayats wanted to file their response to the petition by Shakti Vahini, the court adjourned the hearing and asked all the parties to complete their pleading by Feb 18 and said that it would hold final hearing into the matter March 4.

IANs: http://zeenews.india.com/news/nation/no-violation-of-law-by-up-haryana-khap-panchayats-sc-told_822860.html