



Khap Panchayats and Their Strength: A Socio-Political Analysis of Khap Panchayats of Northwest India (Jat Dominated Region)

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Type of Work: Peer Reviewed.

DOI: <https://dx.doi.org/10.21013/jmss.v21.n4.pp1>

Review history: Submitted: Sep 16, 2025; Revised: Oct 20, 2025; Accepted: Oct 30, 2025

How to cite this paper:

Thenua, B. S. (2025). Khap Panchayats and Their Strength: A Socio-Political Analysis of Khap Panchayats of Northwest India (Jat Dominated Region). *IRA-International Journal of Management & Social Sciences* (ISSN 2455-2267), 21(4), 113-122 DOI: <https://dx.doi.org/10.21013/jmss.v21.n4.pp1>

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This paper is peer-reviewed following IRA Academico Research's [Peer Review Program](#) .

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ABSTRACT

Khap Panchayats are socio-political and judicial organizations which enjoy some sort of authority among the Gotras of their caste. In this system, all members of Khap Panchayat in Khap take unilateral, quick and incontestable decisions on multiple issues like social transgression, marriage and land disputes, property rights or regarding situations threatening tranquility in a village. Today most societies are governed by the constitutional authorities, formal laws and rational bureaucracy. Bodies like Khap Panchayat are parallel working for social development, women empowerment and governance. These Khap Panchayats are praised by the people of territory or community in which Khap Panchayats exist; the political functionaries or even ministers and chief ministers also praise the Khaps, this is the most important concern of Khap Panchayats. In this paper an attempt is done to find out the existence of Khap Panchayats in India. Why are they widening their base in Northwest India? What is their source of strength? This paper presents a detailed discussion on various issues Khap Panchayats and leaves scope for future debates.

Keywords: *Panchayat, Khap Panchayat, Sarva Khap Panchayat, Khap, Pana, Thamba, Gotra.*

PANCHAYAT, KHAP PANCHAYAT AND SARVA KHAP PANCHAYAT

The term Panchayat is a council or an assembly of five elders of society, elected by the people of the concerned village. These Panchayats comprise of powerful and dominant people, who are usually senior citizens, of a particular caste. The members of the Panchayat are entrusted with the duty of upholding the norms, culture and the morality of the particular religion (Singh & Pawar, 2016). Panchayat has written references as far back as 2500 BC. Since that time, there had been a shift from nomadic way of life to settled agricultural practices (Thenua, 2016). A Khap is a socio-political organization or a federation of a Gotra in Northwestern India traditionally actives as community council.

The initial unit of organizational hierarchy of Khap Panchayat is the village which spread over an area. It begins with the family and keeps on organizing numerous families, known as 'Thola'. The formation of many 'Tholas', constitute a 'Pana' or 'Patti'. Village is formed by many Panas. And further the group of different villages form a 'Tapa', 'Thamba' 'Chaugama', 'Pachgama', 'Athgama', 'Chaubisi' and 'Araha', is known as 'Tholedar' (Singh & Singh, 2013).

One of the reasons, why the decisions of Panchayats in Indian villages are self-executing is because these decisions are made by the Panchayats in consultation with the entire village community (Gram Sabha) whereas the constitution or law in India is imposed upon those people from above and therefore needs a machinery to execute (Kumar, 2022). Khap has been a system of administration and organization in the northwestern states (Haryana, Uttar Pradesh, Rajasthan and some parts of other states) of India since ancient times, written references are found as far as 2500 BCE. During and since that time, there has been shift from nomadic way of life to settled agricultural practices. From this time on, the Indian social fabric

was organized around the village unit, and the mode of governing was often that of a council of five which is called Panchayat. Khap is a term for social-political and judicial organization.

A Khap originally consisted of 84 villages. A unit of seven villages was called a Thamba and 12 Thamba would form the unit of 84 villages, a Khap together. However, there are also Khaps of 12 and 24 villages. Their elected leaders would determine which unit would be represented at the Khap level. These Khaps are spread all the way from Northwest Indian down to Madhya Pradesh, Malwa, Rajasthan, Sindh, Multan, Punjab, Haryana and modern Uttar Pradesh (Sunita & Yudhvair, 2013). Presently, Khap panchayat is known as a body, which exercises extra constitutional powers (Singh & Pawar, 2016). The Khaps have been / are powerful entities which enjoy 'unquestionable obedience and the norms propagated by the Khaps, are followed by all the villages within their jurisdiction. The gathering and organization of members of the same clan or gotra form a Khap. Different Gotras have their own Khaps, such as Dahiya Khap, Sangwan Khap, Satrol Khap in Haryana, Tomar Khap, Balyan Khap in Bagpat and Muzaffarnagar District, Chahar Khap in Agra district of Uttar Pradesh. These Khaps look after community affairs across villages, settle disputes over various issues. One of the main aims and objectives of these Khaps is to preserve the traditions, norms and values and to maintain gotra brotherhood and Bhaichara.

The traditional Khap Kanchayats have been known to exist in India from many centuries (Thakur; Sinha and Pathak, 2015). The Sarva Khap Panchayat represented all the Khaps. The Khap and Sarva Khap was a system of social administration and organization in the republic of Northwestern Indian State such as Haryana, Rajasthan and Uttar Pradesh since ancient times (Sunita & Yudhvair, 2013). There is system of inherent appointment system of 'Khap Panchayat is still temporary in nature. Presently the headquarters of 'Sarva Khap Panchayat' is located at the village Soram in the district Muzaffarnagar in Uttar Pradesh (Singh & Singh, 2013). During the 1857AD Revolution, the 'Sarva Khap Panchayat' had played a vital role for ruling out necessity of 'Akhara' in every village. It was also made mandatory for the youth within the age group of 18-40, to recruit in their force and they have been trained accordingly (Singh & Singh, 2013). A Sarva Khap Panchayat is a federation of all the Khap Panchayats of a region. In a Sarva Khap Panchayat meeting, Khap Panchayats of different castes such as Tyagi Khap, Gurjar Khap, Saini Khap, Jat Khap do participate.

In brief Panchayat means a council of five people. Khap literally means a cluster of villages (which often coincides with a certain gotra). Every gotra has its own Khap Panchayat which deals with issues related to their marriage customs, cultural norms, agrarian matters, land and personal disputes. At the top of this pyramid of Khap system, there is a Sarva Khap Panchayat (central council for all Khaps of a region) that serves as a supreme council for the whole community of a region.

KHAP PANCHAYATS AND THEIR ENGAGEMENT IN SOCIO-POLITICAL ACTIVITIES

Origin of Khap Panchayat was the result of fulfillment of the needs of the community, especially pastoral and agrarian community. During centuries these Panchayats did perform a number of socio-cultural, political, administrative and judiciary functions. During Saltnat and Mughal period these were very strong and Sultan, Emperor or the kings also realized the existence and power of Khap Panchayats. The proceeding and functioning of these Khaps was a democratic type and most of the decisions were taken in an open meeting with the consultation of the representatives of Khap or with the members of Khap. These were the custodians of social traditions, norms and customs of society, provided external and internal security to the community from invaders.

The Khaps are now trying to enhance their public image by releasing some bans on marriage rules which will in turn strengthen their role and still tighten the grip of authority in the villages. They are working for the betterment of the people, but according to their own convenience. This is one of the measures that the authorities have chosen to survive in contemporary times. Despite the fact that the verdict made by them is too little and too late, it has for now succeeded in building the right kind of reputation which will empower the sustenance of this institution (Thakur; Sinha and Pathak, 2015).

The Khap Panchayats can play a positive role and on which, till now, they have maintained a resounding silence. Domestic violence against women, the scourge of female foeticide, dowry-deaths, the menace of drinking and drug-addiction, the crisis in agriculture, forced occupation of common lands (the Shaamlaat in the villages) these, and many more, are issues with which we need to grapple on an urgent basis, for they strike at the very roots of a harmonious society (Dahiya, 2010).

Three major gatherings in modern times that can be said to have had wider socio-cultural significance of a positive nature. I have heard of a Panchayat (exact banner not to my knowledge) in the village Barona in district Rohtak in 1911 on the issue of education in the area now known as Haryana- an effort that led to the establishment, over a period of time, of the Jat educational institutions in Rohtak. There was, then, a gathering in the sixties of the twentieth century in village Sisana regarding over-the-top expenditures, size of Baraats and number of days spent on celebrations in marriages. And then a people's revolt in Pipli near Kharkhauda (Sonipat) against atrocities related to forced family-planning during the Emergency (Dahiya, 2010). Just after independence, in its meeting the Sarva Khap Panchayat of Meerut Division, which was organized in Shoron Village Khap Balian, took some of the radical decisions. This meeting was attended by 100 leaders of 18 Khaps of Meerut division of Uttar Pradesh. The Sarva Khap Panchayat passed fourteen resolutions regarding marriage reforms (Pradhan, 1965).

The Khaps however, are now trying to kill their image of being ruthless institutions by improving their former impression. They are beginning to work in a positive direction towards people who they are meant to function for. The same has been seen in various judgments, that the Khap has passed especially in the interest of women, for instance ban on sex selection and female foeticide, ban on dowry and so far in putting a ban on expenses on the marriage of the girl so that the burden on the parents is reduced. These examples highlight the steps that they are taking in favour of the people they govern. The foundation was laid by Satrol Khap, district Hisar (Haryana) by changing a 650-year-old tradition pertaining to marriages by allowing inter-caste marriages with parental consent. The decision is not only being praised by society but also welcomed by Panchayats of other villages, like Nogama and Baraha Khaps of Jind district. Even the leaders who are more conservative in matrimonial affairs have applauded the initiative (Thakur; Sinha and Pathak, 2015).

There is no doubt that most of the Khap Panchayats seem wrong in their style of functioning and decisions in the name of custodians of social traditions, customs and honour in present time, but from their origin to medieval period they did perform various social, political, administrative, welfare and judiciary activities. These Khaps fought against invaders, provided external and internal security to the community. They participated in many wars and battles of national interest. These were the by-product of an egalitarian community and were based on the principles of democracy and their functioning was democratic and most of the decisions were taken in open meetings in the presence of community members or Khaps representatives. It seems that there was a socio-community democracy/ informal democracy in rural communities during the medieval period prior to the modern form of formal democracy, and this democracy did work for hundreds of years. In present time these are engaged in various socio-political and welfare activities including marriage reforms, women empowerment and girl education.

The new modern legal systems by the Britishers also did not interfere in the functioning of these systems. The Khaps exist today with as much importance as in previous times. Despite the constitution and governmental and legal systems of the country the Khaps enjoy the confidence of community since they act as an important agency of social control, which helps people in quick decision making with least expenditure. They play an important role not only in making decisions for the welfare of the people but also maintaining cultural norms. The Khaps have a say on various issues of the village in order to sustain law and order and peace by imposing certain norms and sanctions on the people (Thakur; Sinha and Pathak, 2015).

The role of these Khap Panchayats from medieval period to modern times also has been remarkably appreciated by various scholars for their various social welfare programmes. These Khap Panchayats have been raised / rising socioeconomic and political issues time-to-time. The socioeconomic and farmers issues which include farmers problems, prevention of drinking habits among the villagers, gambling, female foeticide, and customs related to marriage expenditures and dowry system are some of vital issues raised by the Khap Panchayats.

KHAPS ON WOMEN EMPOWERMENT

All Khap Panchayats called a meeting in Biblipur Village, Jind on July 14, 2011. They decided to take steps for women empowerment in the society. The order passed by Khaps Panchayats that a woman has the legal right in her patrimonial property (Sunita and Yudhvair, 2013). They were also agreeing for participation of women in all movements for all decisions and proposals for the interests of women (Sunita and Yudhvair, 2013).

On 9 March 2011, Dahiya Khap convened a Panchayat on the eve of women to mark 1000 years of earlier Panchayat, has made the participation of women in decision making in every meeting of Khap Panchayat mandatory. The Mahapanchayat passed a resolution that without one-third participation of women in Khap Panchayats, no meeting can be held. The decision was taken in the presence of women who participated in the Mahapanchayat (Sunita and Yudhvair, 2013).

The meeting of Sarva Khap Panchayat of 1950 (Pradhan, 1965) in its resolution number 9 and 10 made some radical resolutions regarding women empowerment. The Sarva Khap Panchayat made a radical decision, boy and the girl were allowed to meet before marriage. The marriageable age for girls increased to 16 years. Child marriage was totally stopped.

KHAPS ON FEMALE FOETICIDE

One of the serious problems not only in Northwest India but India is female foeticide. The problem of female foeticide was discussed in the Bibipur village Panchayat of Jind district of Haryana. In this meeting all 'Sarva Khap Panchayat, was invited to extensive discussion on this serious issue of Northwest region of India.

The Thau Khap, Sarvajatiya, Panchayat announced a ban on the sex determination test and female foeticide in 24 villages in the Tapa (cluster) under its jurisdiction in the district Jind. The minimum penalty would be Rs 1,100 and could be increased in case of repetition and Mahapanchayat was willing to adopt social boycott if violations continue (Sunita and Yudhvair, 2013). Khap Panchayat is based on social respect and responsible for protection our society cultural invasion by alien societies. Khap Panchayats help in preservation of culture and traditions from one generation to next. They have played a vital role in social activities like widow marriage, poor girls' marriage, providing help to poor families, by giving them land for agriculture, solving disputes among the families (Sunita and Yudhvair, 2013).

KHAPS ON EDUCATION

Jat community is known for social reforms also. They have opened Gurukuls, throughout India (North India in specific) and that too without any governmental aid with their own charity. These institutions are democratic in nature and there are no restrictions of caste and religion among the teachers and students (Sunita and Yudhvair, 2013). Khap Panchayats promotes the education through many institutions like Jat Institutions (Sunita and Yudhvair, 2013). In 1911, a Panchayat was held in Rohtak to establish Jat educational institutions (Dahiya, 2010).

KHAPS ON DOWRY

In order to put check on dowry system, a vital role played by the 'Khap Panchayats a conference was held in the year 1950 at the village Beri in the Jhajjar district, where the rules framed by the Khap Panchayats were to be followed by everyone, barring any caste, creed and religion (Chaudhry, 2006). The Sarva Khap Panchayat of 1950 (Pradhan, 1965) in its resolution number 6, 7 and 13 dowry was regulated.

KHAPS ON MARRIAGE REFORM

The Sarva Khap Panchayat of 1950, which was organized in Shoron Village Khap Balian in Meerut Division passed 14 resolutions (Pradhan, 1965) regarding marriage reforms. These are-

i. Ban on heavy expenditure on the daughters' marriage. ii. The display of ornaments by groom's father at the time of the welcome ceremony held at bride's house should stop. iii. In marriage party (BARAT) not more than five persons should accompany a marriage party. iv. No relatives should be invited by a bride's father at the time of her marriage, except her maternal uncle. v. The MANDHA (feast before the departure of the marriage party) should be discontinued. vi. The engagement ceremony should be performed only with one rupee. vii. At the time of engagement and marriage ceremony, the presentation of precious ornaments was regulated. Now, the groom's father should not present more than three Tolas of gold and fifty Tolas of silver ornaments to the bride. The bride's father should not give more than one Tola of gold and 25 Tolas of silver ornaments. viii. Only five items of clothes and kitchenware should be given in dowry. ix. The Sarva Khap Panchayat took a radical decision that the boy and the girl should be fully satisfied with each other (they were allowed to meet before marriage) before the marriage takes place. After the marriage, the husband should not leave his wife. x. Increasing the age of marriage of girls and boys, the marriageable age for the boys should be 25 years, and for a girls 16 years. Child marriage should be stopped. xi. The Bhat ceremony (presents given by the bride's mother's brother to the parents of the bride) not more than 50 rupees should be given in cash and presents of clothes and kitchen utensils should be discontinued. xii. The customs of sending presents to daughters' husband's place on every festival after marriage should be discontinued. xiii. In the ceremony of Gauna only five items of clothes and one set of bedding should be given by the girl's father. All other presents in cash or kind should be discontinued. xiv. It was also decided that except these malpractices some other malpractices may practice. Therefore, all other malpractices now prevalent in marriage ceremonies should be stopped.

KHAPS ON LAND ISSUES AND FARMERS MOVEMENT

The problem of land acquisition by the state has become another burning issue for the suffering of farmers. The 'Khap Panchayats are acting as a 'great pressure group' for protecting the peasants' rights. They are now raising voices against inadequate compensation for their fertile lands and wrong policy of state land-acquisition in the state (Singh & Singh, 2013). When

administration fails to protect lives and property of the people the Khap Panchayats is the only hope of the people. When farmers and peasants felt that the three farmers' laws enacted by the government could harm the interest of the people and farmers in particular, Khap Panchayats came forward and supported farmers' protest in Delhi.

The entry of Khap energized the farmers' movement at both the local-level and Delhi's borders, Khaps acquired more power and legitimization (Kumar, 2022). The farmers movement of 2020-2021 around and at Delhi, continued for more a year, has been one of the largest farmers' movements in the history of independent India. It showed the strength and unity of Khap Panchayats in Northwest India (Haryana, Uttar Pradesh, Rajasthan, Punjab). It was a close interaction between farmers and the Khaps on the national level. In this movement several national and regional politicians of opposition parties showed their presence.

Rakesh Tikait, the leader of Bhartiya Kisan Union, in one of the many massive mobilizations, part of the series of Kisan Movement called across the agrarian belt, at Kisan Panchayat at Bahadurgarh Haryana, said Iss Liye to Khap Banayi Gayi Thi. Khap Yahi to Karti Hain. Zamin Ka Mudda Yahi Panchayat Mein Hi Suljhaya Jaayega. (This is why Khaps have Been Established here. That is what they do. The issue of land will be resolved here in Panchayat).

KHAPS ON POLITICAL SUPPORT

When there were political instability, uncertainty and social insecurity and threat to life and property, Khap Panchayats did provide political stability, social security and certainty in their respective areas. They fought against invaders, provided external and internal security to the community, fulfilled the economic and political aspirations of the people. Khap Panchayats were based on democratic principles, and their functioning was democratic. Most of the decisions were taken in open meetings of Khap Panchayats in a democratic way.

The illegal and unconstitutional power of Khap is not enough to survive in the present scenario and because of this reason Khaps are seeking political power and showing their interest in politics. Supporting any political party is an indirect support for them, but entering in direct politics can make them more powerful. Khap is always blamed for its unlawful activities. Many a times questions have been raised on its decisions; its unconstitutional structure was about to get in trouble. To get rid of these troubles Khap always needs political power. And on another side politicians and leaders have the fear of losing votes of the Khap community, as it has great influence on Jat voters. So, politicians also cannot ignore them. And this is the reason that Khap cannot disappear from this society (Rajpurohit and Kaur, 2015).

CONCLUSION

Now a days Khap Panchayats are questioned for their style of functioning and decisions in the name of honour. Social researchers, intellectuals, social workers, feminists and media persons highlight Khap Panchayats for some their negative decisions and functioning. They present and highlight the dark face of Khap Panchayats and they either under weigh or hide the bright

face of these Panchayats. But even today, Khaps are as strong as they were centuries back. It was shown in Delhi farmers' protest that how these Khaps stood with community or peasants and have broad base in agrarian communities.

The strength and success of the Khap Panchayats lie in their centuries-old deeply rooted rural agrarian communities. In the past Khaps have performed several social, political, judicial and welfare activities or even today they continue to do so. These Khap Panchayats have been protecting these communities from foreign invaders and providing them with socio-political security for centuries. The functioning of these Khaps was /is democratic and most of the decisions were/are taken with the consultation of the representatives of different Khaps or the members of the Khap.

Khaps have always been engaging themselves in social welfare activities such as gender equality, opposing dowry, work against female foeticide, opening of new educational institutions and maintenance, raising farmers' issues and other socio-cultural activities. Liberalization, Privatization and Globalization (LPG package) have not only radically changed the lifestyle but also increased consumerism and created a situation whereby more and more people are experiencing a growing cleavage between the desires intensified by the images that they are being increasingly exposed to and the actual resources to fulfil these desires. Moreover, agriculture sector and countrysides have been ignored and to some extent they have been negatively impacted upon contemporary process of LPG. In such a situation Khap Panchayats provide continuity and order at a time where there is the perceived threat to their collective identity framed through local customs, traditions and practices also. The success of Khaps is also linked with the weakness of political parties as these Khap Panchayats form a major part to vote bank for most of the political parties. To thrive in power, no political party or politician can dare to oppose these Khaps or the decision of Khaps as parties need the support of the Khaps to win elections.

It is not always true that Khaps are always correct in their decisions and actions. On various occasions they had been in news for their notorious decisions, torture and actions taken by them in the name of honour. Honourable Supreme Court of India made harsh comments and punished Khap leaders for the decisions and functioning of Khaps. There is an urgent need from Khaps to remove such stigma with their name and should come forward for social welfare activities.

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