UNIT 3  RELIGIOUS MINORITIES AND COMMUNALISM

3.1 INTRODUCTION

This unit delves into the complex interconnections between religious minorities, communalism and position of women in India. Here we will focus on women’s political and social status, particularly, the manner in which women have been represented, moulded and controlled by religious fundamentalism, communalism and identity politics. The intersections between class, caste, community and gender in India will help to bring to the forefront the discrimination that women face in a generic sense and also in specific ways.

3.2 OBJECTIVES

After going through this unit, you will be able to:

- Explain meaning and the concept of minorities;
- Describe religious minorities and the women position; and
- Describe the status of minority women in colonial and post colonial period.
3.3 MINORITIES: DEFINITION AND CONCEPTUAL EXPLORATIONS

A minority is a sociological group that is subnormal with respect to a dominant group in terms of social status, education, employment, wealth and political power. In socioeconomics, the term “minority” typically refers to a socially ethnic group which may be understood in terms of language, nationality, religion and/or culture. Other type of minority groups may include people with disabilities, “economic minorities” (working poor or unemployed), “age minorities” (who are younger or older than a typical working age) and sexual minorities. A sociological minority is not necessarily a numerical minority. It does not constitute a politically dominant voting majority of the total population of a given society.

The term “minority group” often occurs alongside a discourse of civil rights and collective rights which gained prominence in the 20th century. Members of minority groups are prone to different treatment in the countries and societies in which they live. This discrimination may be directly based on an individual’s perceived membership of a minority group, without consideration of that individual’s personal achievement. It may also occur indirectly, due to social structures that are not equally accessible to all.

Academics refer to power differences among groups, rather than differences in population size among groups. Barzilai (2003) and Fegin (1984) state that a minority group has five characteristics:

- suffering discrimination and subordination,
- physical and/or cultural traits that set them apart, and which are disapproved by the dominant group
- a shared sense of collective identity and common burdens
- socially shared rules about who belongs and who does not determine minority status
- tendency to marry within the group.

Sociologist Louis Wirth defines a minority group as “a group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment and who therefore regard themselves as objects of collective discrimination.” (http://www.psawa.com/Minority_community_groups.html)

This definition includes both objective and subjective criteria: membership of a minority group is objectively ascribed by society, based on an individual’s physical or behavioural characteristics; it is also subjectively applied by its members, who may use their status as the basis of group identity or solidarity.
Minorities can be different in scope and nature. For example racial or ethnic minorities, gender and sexuality minorities, age minorities, modal minorities, disabled minorities and religious minorities. In the next section, we will examine different perspectives from which minorities can be viewed.

3.4 VIEWS ON MINORITIES

Adherents of Ayn Rand's *laissez-faire* philosophy of Objectivism regard individuals — every individual — as an independent, sovereign entity who possesses an inalienable right to her/his own life, a right derived from her/his nature as a rational being. Objectivism holds that a civilized society, or any form of association, cooperation or peaceful coexistence among individuals, can be achieved only on the basis of the recognition of individual rights — and that a group, as such, has no rights other than the individual rights of its members. The principle of individual rights is the only moral base of all groups or associations. Since only an individual can possess rights, the expression “individual rights” is a redundancy but the expression “collective rights” is a contradiction in terms. Individual rights are not subject to a public vote; a majority has no right to vote away the rights of a minority; the political function of rights is precisely to protect minorities from oppression by majorities (and the smallest minority on earth is the individual).

This idea may be problematic when seen from a multicultural perspective. The end of colonialism and consequent global migration patterns have led to most states having different cultures existing within them. The presence of such groups in modern societies brings to the forefront the significance of cultural identity. Defenders of multiculturalism raise the importance of protecting the rights of such citizens so that they do not suffer oppression, disadvantage and/or discrimination due to their cultural origin. Kymlicka supports cultural rights along with liberal lines. Cultures are a necessary frame to human action; hence there is a loss if one's cultural context begins to erode. He makes a distinction between cultural groups by talking about national minorities and ethnic groups. The former are incipient nations who found themselves subsumed under a multi-national state and the latter are largely immigrant groups. He believes national minorities’ merit more rights than ethnic minorities since their circumstances are not of their own choosing. Charles Taylor recognises a culture as qualifying for minority rights when they have a substantial population and articulate a language of moral evaluations. Bhikhu Parekh maintains that a culture has a claim to rights if it is vital to the fundamental interests of its members and contributes to the wider society. Young talks about a politics of difference which holds that there should be a variety of methods for improving the status of minority groups like additional representation rights, public funding and
other forms of affirmative action. Taylor talks about a politics of recognition which emphasises that a person finds her or his identity in the context of frameworks or communities of meaning. The recognition of cultural difference is related to a politics of equal dignity. Equality is not synonymous with ‘sameness’ but concerned with treating people with equal dignity which involves recognizing their different identities, goals, needs and symbols. Susan Okin has presented a critique to the idea of multi-cultural rights by saying that a large number of cultural norms and practices are gender discriminatory. Her argument is that cultural minorities should not receive special rights from their governments since it will perpetuate practices harmful to women such as child marriage, genital mutilation etc. She further argues that women of minority cultures should be encouraged to join with the wider liberal society even at the risk of losing their inherited cultural identity. A balanced view of this issue is to emphasise the unfairness of forcing women to choose between their culture and their basic rights. There is a need to focus on the way in which women of minority cultures resist oppressive practices both within and outside their groups without losing the right to retain their membership and the right to exit if they so choose. Now that we have understood some of the different ways in which minorities are viewed, we will turn to our main subject religions minorities and the place of women amongst these.

3.5 RELIGIOUS MINORITIES

Persons belonging to religious minorities have a faith which is different from that held by the majority. Most countries of the world have religious minorities. It is now widely accepted that people should have the freedom to choose their own religion, including not having any religion (atheism or agnosticism), and including the right to convert from one religion to another. However in many countries this freedom is constricted. For example in Egypt, a new system of identity cards requires all citizens to state their religion - and the only choices are Islam, Christianity or Judaism. A minority religion is a religion held by a minority of the population of a country, state, or region. Minority religions may be subject to stigma or discrimination. An example of a stigma is using the term cult with its extremely negative connotations for certain new religious movements. People who belong to a minority religion may be subject to discrimination and prejudice, especially when the religious differences correlate with ethnic differences.

Communalism can be defined as an ideology which believes that since a group of people follow a particular religion, they have as a result, common political, social and economic interest. Communalism in its contemporary form, in India is a product of 19th and 20th centuries where ethnic and
community identities took on separatist and intolerant forms as a result of colonial economy. While some believe that communalism is a negative phenomenon counterposed to nationalism, others believe that communal identities can become objective forces resulting in common articulation of interests.

**Women within Religious Minorities**

Religious communities can be explained in two distinct ways- as a political identity and as an actual anthropological and historical identity. The politicized religion provides a strong sense of identity to people widely scattered geographically who may share little else otherwise. And it is this politicized religion which is also seen at times taking on the public sphere, public discussions and also set the agenda for regional and national issues. The second kind of religious community bounded by geographical territory explores the interaction among and between men, women, family, religious leaders, the state’s personnel and the other communities. As historical studies reveal, religious communities are constructed, not natural entities. Personal laws were codified by colonial administrators for the sake of administrative convenience, in many cases by overriding or fixing customary laws, and do not in every case have scriptural sanction.

Though religious based communities are evidently centred on and led by men, women in the religious communities are not excluded from or marginal to these communities. In fact on the contrary, women form a crucial component of them. But women in contrast to men are not viewed as constituting these spheres; they are described instead as belonging to them. While women’s ‘belongingness’ to these communities is at times described in terms of their voluntary and participatory membership, at other times women may be viewed merely as appendages and symbols of the community. Such contradictions foreground the complexity of women’s status within religious communities. The membership of women is conditional on their conforming to pre existing rules, roles, practices, conventions, histories and meanings that have been instituted. Non confirmation is often punished with boycott, expulsion and violence, while towing the line is rewarded by accommodation and protection.

Communal identities have implication for women within them and these implications can be examined by looking into certain incidents that have involved women from different religious communities. Many have questioned the homogeneous category of “woman” given the differences in the experiences of women of different classes, races, castes and communities. It would be useful to understand that men and women possess multiple identities and these identities are constantly shifting in time and space and cannot be reduced to singular roles. But with the general communalization of society, communal identity is increasingly forced upon individuals of different communities.
For example, according to Zoya Hasan, one’s muslimness is an option available to an individual who may articulate, underplay or stress this form of identity but this is not always a freely chosen option.

In 1985 the Supreme Court of India, in the Shah Bano case granted the paltry sum of Rs. 179 per month as maintenance to 73 year old Shah Bano. She had been thrown out of her husband’s house after 43 years of marriage. After divorcing her, Bano’s husband had also stopped the maintenance after final settlement of Rs. 3000. Despite the interference of judicial courts on an appeal of Shah Bano for maintenance, the husband appealed to the Supreme Court on the grounds that under Muslim Personal Law, he did not have the responsibility to maintain his wife after divorce. The Supreme Court however rejected his appeal and ordered him to pay maintenance and also the legal costs. This judgement unleashed a chain of reactions amongst Muslim fundamentalists who considered the judgement as a violation of Muslim Personal Law. This turned the discussion to the question of confrontation of majority and minority interests.

In 1987, in an incident in Deorala, Rajasthan, an 18 year old married girl, Roop Kanwar was burnt alive on the funeral pyre of her husband. This illegal (Sati had been banned since 1829), unfortunate and most barbaric episode was acclaimed by Hindu fundamentalists as a pious hallmark of the traditional Hindu woman. The Sati temple constructed at Deorala after this episode started being celebrated as a trademark of ancient Hinduism. Any opposition by feminists, civil liberty groups or reformist Hindu organisations was seen as an attack on Hinduism. The Government finally passed another law but it was ambiguous and was not seriously implemented.

According to Amrita Chhachhi both these incidents deployed women as symbolic representation of the communities. Granting a Muslim woman maintenance was seen as violating Muslim personal law which implied a direct threat to Muslim identity, preventing a Hindu widow from being immolated was seen as a threat to Hindus in general. Both these issues show the specific implications of communal identities for women in India. There is thus a difference between an identity which is forced upon one and an “identity which is a self consciously constructed space that (affirms)... on the basis of conscious coalition, of affinity, of political kinship” (Haraway, 1988). This distinction is useful particularly in relation to the situation of Muslim women in India. Their identities have been defined and redefined under pressures from political and economic field as women, as Muslims and as a Muslim minority.

Muslim women are seen as passive objects of this triple oppression, but simultaneously there have been continuous attempts by Muslim men and women to redefine women’s rights since the mid-nineteenth century. However, these attempts were squashed by the pressure of the vested interests and
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political calculations. The logic of communal politics forced these progressive forces to retract and succumb to the logic of a threatened community, which clung to traditional customs and practices. In the next session, let us examine the issue of minority women within the larger framework of the nationalist project.

3.6 NATIONALIST PROJECT AND THE QUESTION OF WOMEN IN RELIGIOUS MINORITIES

The colonial discourses in India from the very early on were gendered, and the women’s question figured prominently in these discourses. The degraded condition of Indian women was taken as an indicator of India’s inferior status in the hierarchy of civilisations. It is no wonder therefore that the status of women became the main focus of the reforming agenda of the modernising Indian intellectuals of the nineteenth century. In their response to the damning critique of the west, they imagined a golden past where women were treated with dignity and honour; they urged reforms of those customs, which they considered to be distortions or aberrations. Thus female infanticide was banned, Sati was abolished and widow remarriage was legalised. In all these reforms no women were ever involved. The male reformers treated women as objects of their modernising project and could not imagine them to be their conscious equals claiming agency for their own emancipation. For example the Age of Consent bill 1891, which tried to raise the consummation of marriage for women from 10 to 12 years, was interpreted as virulent attack on Hinduism and also a restrain of the domain “native masculinity” by an alien state. Thus, by the end of the nineteenth century there was a shift from the modernising project to a Hindu conservative assertion of patriarchal control over the women’s domain, which now constituted an essential part of the nationalist agenda.

The Muslim society too put similar restrictions on women. As pointed out by Azra Asghar Ali, the Muslim revivalist and reformist movement both, “constructed Sharif culture almost as a private polity” with the status of women being central to it, as an indicator of the ‘progress’ of the Muslim community as a whole. Thus even when women started stepping out of their house especially from mid nineteenth century, their movements and conduct were to be contained within the ethical parameters defined by the male.

When modern nationalism developed in the second half of the nineteenth century, it addressed the women’s question within these restrictive parameters of domesticity. With the progress of nationalism the Indian national movement which was largely secular in its objectives is also known to have used communal consciousness. This has usually been identified with
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the revivalism of Hinduism. Communalism became an instrument of colonial policy to resist the growth of Indian national movement. In 1920's communal antagonism grew and Acts of 1909 and 1919 further added to this antagonism. While the Act of 1909 created separate electorates for Muslims, the Act of 1919 extended this to other communities. Religious and cultural symbols were used to create separate Muslim identity. Hindu and Muslim women organised themselves in separate organisations in this period however they continued to work together on questions of suffrage, education, legal rights and purdah system. But with the intensification of communal divisions Hindu feminists began to believe that purdah is a custom brought to India by Muslim invaders and Muslims were responsible for the fall of status of women from the golden age. On the other hand Muslim women began to defend the Quran especially on the issue of female modesty, due to fears that they would be subsumed as a minority in India (Forbes 1982, cited in Chhachhi 2005, p. 226).

With Gandhi arriving on the scene in the nationalist movement, women were drawn into politics by using Hindu symbolism. During the Non Cooperation Movement women claimed for themselves greater active roles ranging from boycott, Swadeshi to violent revolutionary movement. The trend that was set here continued into the 1930's and 1940's and women’s active role in the public space became accepted in society. However, their politicisation did not lead to any significant change in their domestic or family relations nor did it alter the power structure within the traditional Hindu family. Credit goes to Gandhi for broadening the base of the congress nationalism to include the Muslims. But this effort did not pay much since his use of religious terminology alienated the Muslims (for example, his idea of Ramrajya). However, Gandhi continued to evoke the idea of collective sisterhood especially when it came to partition and the violence against women of Hindu and Muslim communities.

Thus, as you can see, the women's question in colonial India hardly received the priority it deserved. Irrespective of the fact whether it was Hindu or Muslim women, the issue of women’s emancipation was always treated as subordinate to that of national liberation, community honour or class struggle. Let us now continue to trace this history during the post-colonial period.

3.7 POST-COLONIAL STATE: QUESTION OF RELIGIOUS MINORITY WOMEN

With the establishment of independence, Nehru, much against his own conviction allowed the continuation of personal law rather than pushing for equality of the law for women. In 1954, he admitted that a uniform civil code was inevitable but he felt that the time was not appropriate to bring
it in India. With independence, women's identity within a particularised communal identity had been established. For Hindu women this meant a sanskritized upper caste version of Hinduism which excluded tribals and dalits. For Muslim women it was a well entrenched communal identity. A common criminal code was formulated for all citizens, while the area of marriage, inheritance and adoption were governed by separate personal laws.

3.7.1 Patriarchal/Communal Structure within State

The post colonial state inherited and maintained the institutional structure of separate personal law to regulate the family. In spite of the proclamation of secularism, the postcolonial state was fraught with ambiguity. The sanction given to religion extended even to certain civil laws. For example the Special Marriage Act of 1956 which allowed individuals to intermarry without having to change their religion or resorting to personal law contained features which tend to favour Hindus. Under this Act first cousins are not allowed to marry, which is common practice among Muslims. In 1976 amendments to this Act and the Succession Act 1925 stated that Hindus married under the Special Marriage Act could retain their rights of inheritance, while persons belonging to other religions would lose their rights of inheritance under their personal laws. An examination of the functioning of the Special Marriage Act reveals loopholes which are used to prevent inter-community marriages (Kishwar & Vanita cited in Chhachhi 2005, p.230).

3.7.2 Politics of Personal Law

Despite differences, the personal law of all communities are discriminatory towards women. Personal law, since it is seen as a means of securing communal identity and respecting religious differences, operates within, rather than despite, the constitutional commitment towards the secular nature of the Indian state. Any proposed reform/removal of personal law is seen as a threat to both communal identity as well as traditional patriarchal structures. However, women's groups agree that these laws must change and that women should be involved in bringing about these changes. But there are major differences among these groups. Nivedita Menon has outlined the different positions on the Uniform Civil Code (UCC) discoverable with the women's movement (Sunder Rajan, 2003,86). They are:

- Compulsory egalitarian civil code for all citizens,
- Reforms from within communities with no state interventions,
- Reform from within as well as legislations on areas outside the personal law,
- Optional egalitarian civil code,
Reverse optionality that is all citizens to be mandatorily covered by a gender-just code across “public” and “private” domains, but with the option to choose to be governed by the personal law of their religious community.

The first of these, a compulsory egalitarian civil code for all citizens, has been more or less given up as a feasible or even desirable demand. The compromised version of this is envisaged in the last two positions, as an optional or reverse optional civil code. The idea of a uniform civil code that will replace and exactly take the place of the present personal laws has also been discredited; instead, the third option envisages a common civil code of much wider ambit, which will include domestic violence, homosexuality and women’s rights in work in its place. In this way it would refuse both the division of private and public as well as the restriction of gender relations to the sphere of the private/personal alone that underpin the structure of personal laws. The broad options are those of the issue of reforms from within communities as in the second position, versus versions of a state-sponsored common civil code.

Women’s groups conceding religious communities’ rights to personal laws do so less from recognition of its legitimacy and more as reconciliation to the realities of the Indian situation. The most influential proponent of this view, Flavia Agnes, has argued that it is outcomes that are important, in this case, gender justice, not uniformity for its own sake. This is best achieved by reforms from within communities, by piecemeal legislation, and/or an optional civil code, and this is all that may be reasonably expected in the present context. There is also the recognition that in India women are closely tied to their communities and to their religious identities, for reasons of both an un-egalitarian, multi-religious, social arrangement and an inherently traditional social structure, and that therefore women’s groups cannot assume an “isolationist” stance by pressing for a “secular” civil code (Agnes 1996 cited in Sunder Rajan 2003, p.158).

3.7.3 Communal Identity/Violence and Control over Women

According to Benedict Anderson (1983), nationalism describes its object in language of kinship or home, both of which denote something which is natural and given. According to Sumit Sarkar it was women and peasants who represented the ultimate site of purity unspoiled by the modern world and western education. This form of purity, chastity of the female body has been linked to the nation state. It is for reasons like this that women have been seen as the symbol and repositories of group or communal national identity. The link between women and the honour of community leads to two forms of control over women’s labour, their fertility, their sexuality and their mobility. The first is an internal form of control by their own community.
itself since the loss of control over their own women is seen as a threat to their masculinity, their family and their community. **Secondly** women find themselves more vulnerable to violence by other communities. Since they are seen as repositories of their community’s honour, rape, control and other forms of violence against them are seen as a more effective manner of humiliating and subjugating that community. Women thus become more vulnerable to violence in communal riots. The communal riots in Gujarat in 2002 brought to the forefront how violence was used by a majority community to terrorise women of the minority community. The partition of India in 1947 revealed a similar story when women from both sides became victims of sexual aggression and control in order to avenge the hurt and injury on the community in question. Recent communal violence in Orissa saw sexual violence against Christian nuns by fundamentalist Hindu groups. Another facet of violence against women of minority communities in India is the complicity of women of the majority community in perpetuating this violence. **Tanika Sarkar** has worked extensively on this issue to provide an analysis of the mobilisation of hindu women by the Sangh Parivar to participate in violent actions during the demolition of the Babri Masjid. Thus communal violence has seen the involvement of women thereby showing that women are not necessarily a collective but are well entrenched in their own caste and community identities. This sort of entrenchment makes the whole understanding of violence against women a complex issue.

According to **Amrita Chacchi**, even state supported fundamentalism reinforces and shifts the right of control over women to kinship or to men of the community. For example the first edict of the Taliban regime when it captured power in Afghanistan was to ban girls from attending schools, women from employment and imposed a strict following of the veil system. The state thus emerges as the protector and regulator of the community and the family resulting merely in a change in forms of patriarchal control over women.

### 3.7.4 Women’s Movements

The women’s movements have been dealing with women’s identity within the legal framework. Protection and promotion of the rights of women are aimed at obtaining legal rights through progressive legislations where universal citizenship is viewed as preferable to a system that reflects social differences and hierarchy. The other point of view is that women should themselves negotiate their positions from within the family, the community and the state and not get co-opted by any of them. There is the middle position which supports legal reform from outside and on the other side considers that there should be reform from within the religious communities themselves.
To take the case study of Muslim women, we find that a progressive – regressive movement has acted upon Muslim women since the 1920’s. The Shariat Bill, although desired by Muslim women, was codified and passed in the context of new phase of communal tension in North India. In the 1960’s and 1970s a debate was generated around the family code law passed in Pakistan; a member of the Bombay legislative Council introduced an anti-bigamy bill and a committee was formed to study the bill. But in a scenario of heightened communalism and atmosphere of suspicion due to Pakistan’s war, the progressive legislations were withdrawn. In 1972 in the All India Shariat Convention organized by Ulemas of Deoband members of the community once again reiterated the stand that any change in Muslim personal law was a direct interference in their religion. Thus, they demanded that the government should scrap Article 44 of the Constitution. In the 1980’s an increased demand by Muslim women for rights within personal law was met by strong resistance from communal forces. There have been divergences between the groups asserting women’s rights. Some believe that this could be achieved through reform of Muslim law and a reinterpretation of Islam, and others who argue for a Uniform Civil Code applicable to women of all communities. However, Hensman argues here that these are false options and that a Uniform Civil Code could be a necessary complement to the reform of personal laws.

Another case study is the growing violence of caste panchayats (Khap panchayat) on women in particular and couples in general. In the name of upholding the honour of family, caste and community Khap panchayats ‘order’ couples to be killed if they marry against community norms. The women’s movement in India strive to draw attention to these crimes in recent times by pushing for stricter legislation and better protection of such couples. This issue is an example of the interconnections between class, caste, community and gender in India.

The current stance of the women’s movement has been very aptly summed by Amrita Chhachi who says that the broader issue in the women’s movement is the relation between the state and women’s subordination. While during the colonial period, the state intervened to construct and bring under control a particular family form, even in the post colonial state the continued existence of personal laws ensured the persistence of patriarchal and communal structures. The direct state intervention in spheres of production to facilitate capitalist development today has generated a contradiction which requires more intervention of state into these areas of civil society. The consolidation of state patriarchy and fundamentalism in India implies that the struggle for women’s rights, whether as Muslim, Hindu, Christian or Sikh women or as members of a feminist collectivity, necessarily has to be part of a broader struggle for democratization and decentralization of political and economic structures.
3.8 LET US SUM UP

Religious minorities have a faith which is different from that held by the majority. Religion and communalism are closely interlinked. Communalism as an ideology believes that since a group of people follow a particular religion, they have as a result, common political, social and economic interests.

Though religious based communities are evidently centred on and led by men, women in the religious communities are not excluded from or marginal to them. In fact on the contrary, women form a crucial component of these communities. In India the gender question has always been addressed within religious boundaries. The colonial discourses in India from the very early on were gendered, and the women’s question figured prominently in these discourses. Even in the post-colonial state the question of religious minority women’s identity has been established within a particularised communal identity. A common criminal code was formulated for all citizens, while the area of marriage, inheritance and adoption were governed by separate personal laws. Despite neutral legal stance state supported fundamentalism reinforces and shift the right of control over women to kinship or to men of the community. Women have been seen as the symbol and repositories of group of communal national identity. Since women are seen as repositories of their community honour, their rape, control and other forms of violence against them is seen as a more effective manner of humiliating and subjugating that community. Women thus become more vulnerable to violence in communal riots.

The consolidation of state patriarchy and fundamentalism in India implies that the struggle for women’s rights, whether as Muslim, Hindu, Christian or Sikh women or as members of a feminist collectivity, necessarily has to be part of a broader struggle for democratization and decentralization of political and economic structures.

3.9 UNIT END QUESTIONS

1) How are women posited between community and state? How does a woman’s membership to a minority religion determine her status? Discuss.

2) Why are women seen as repositories of community honour? What are the consequences they face due to it? Elaborate on some of these in your own words using the information provided to you.

3) Do you think India should have a Uniform Civil Code? What would it imply for women’s status in minority religious communities? Give reasons in support of your answer.
**3.10 GLOSSARY**

**Shariat**: The body of doctrines that regulate the lives of those who profess Islam. *Shariat* is the code of law derived from the Koran and from the teachings and example of Mohammed; “sharia is only applicable to Muslims”.

**UCC of India**: The proposed Uniform Civil Code in the legal system of India, which would apply equally to all irrespective of their religion.

**Article 44**: This article is included in the Part IV of the Constitution of India. It states about Uniform Civil Code for the citizens, the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

**Khap Panchayat**: A traditional structure, like the caste system and joint family system, is a traditional institution engaged primarily in dispute resolution and in regulating the behavior of individuals or groups in rural North India. But recently they attracted the attention because of their certain decisions which violated the human rights of individuals - ‘honour killings’. These decisions were mainly related to marriages which violated the traditional moral code of conduct, especially the concept of village bhaichara (Brotherhood), gotra bhaichara (Clan Brotherhood) or Khap bhaichara (Brotherhood of persons belonging to same khap, signifying equality within the Khap). After independence, the authority of these Khap Panchayats has been challenged by modern institutions of justice such as courts, which function on the principle of rule of law.

**3.11 REFERENCES**


http://www.psawa.com/Minority_community_groups.html

### 3.12 SUGGESTED READINGS

