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## UNIT 4 SOCIAL ORGANIZATION AND ADMINISTRATION OF THE TRIBALS

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### 4.0 OBJECTIVES

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In the tribal context, the entire world outside Chhotanagpur appears to be the world of the *dikus* (exploiting non-tribals) who threaten the socio-economic and cultural security of the *tribal-in-groups*. Chhotanagpur here is the cultural territory comprising Jharkhand and its adjoining districts in Chhattisgarh, Orissa and West Bengal. The image of the *dikus* in the tribal mind is generally that of “looters, trouble makers, deceivers, exploiters, cheats, unreliable, those who have a sense of superiority and inspire fear.” In this Unit you are expected to know:

- Kinship System
- Socio-Religious Rites
- Tribal Administration
- Customary Law of Inheritance and Partition

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### 4.1 INTRODUCTION

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According to the 1952 Report of the Scheduled Castes and Tribes Commission, the official selection of criteria to define the *Scheduled Tribes* is seriously mistaken for its lack of correspondence with reality and its ethnocentric bias. The traits selected in this report included: isolation, racial characteristics, use of ‘tribal dialects’, ‘animism’, primitive economic activities, eating habits (non-vegetarian), dress (‘naked or semi-naked’), nomadism, propensity to drink and to dance.

Needless to say that most of the notified Scheduled Tribes population in the country do not fit the above criteria at all. In fact, K.S. Mathur has dismissed the above classification or souls which effect consequences in society’ ((Marshall,

G. 1998: 671). This definition as ‘a typical case of fiction-creation by Government officers.’ ‘Animism’ defined as the ‘belief that natural phenomena, animate and inanimate alike, are endowed with spirits is not of much help to us today. For material objects in which tribal divinities are often located are not venerated as material forms but as *representations* of spiritual realities.

The most important and conscious tribal groups in the country today in fact present an altogether different picture. The Christianised Uraons, Mundas, Kharias Santals, Hos, Khasis, Mizos, Nagas, etc. are highly modernised, and they would in fact consider some of their non-tribal neighbours as primitives!

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## 4.2 INSTITUTIONS

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They consist of all the structural components of a society through which the main concerns and activities are organised, and social needs (such as those for order, belief and reproduction) are met. The current concept of institution, however, comprises changing patterns of behaviour based on relatively more stable value systems. Institutions constrain or determine the behaviour of specific social groups. As a general remark, let it be understood that the discussion under the following sections is concerned with both *traditional* as well as *modern* tribal societies undergoing far reaching transformation under the impact of rapid social changes taking place.

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## 4.3 KINSHIP SYSTEM

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They establish relationships between individuals and groups on the model of biological relationships between parents and children, between siblings, and between marital partners. Kinship thus means blood relationship. Among the tribals it includes *family* and *clan* its extension. Relationships established by marriage which form alliances between groups of persons related by blood (or consanguineous ties), are usually referred to as affinal relationships.)

### *Kinship Terms*

There is a special term for every distinct relationship, both in direct and collateral lines. In some well studied tribal groups of Jharkhand, Chhattisgarh and Orissa origin it is quite precise, for example, *Bara-Bari* [(a) father’s elder brother and his wife, (b) mother’s elder sister’s husband and his wife], *Kaka-Kaki* (father’s younger brother and his wife), *Mosa-Musi* (mother’s younger sister’s husband and his wife), *Mamu-Tachi* [(a) mother’s brother and his wife, (b) father’s sister’s husband and his wife], *etc.*

### *Classificatory Terms*

One and the same kiship term is used to address the whole class of relatives, for example, in the father’s line, *Ajjo* (grandfather), *Bara* [(a) father’s elder brother, (b) husband of mother’s elder sister], *Kaka* (father’s younger brother), *Mamu* (mother’s brother), *Mosa* (husband of mother’s younger sister) – all of them are addressed as *Aba/Ba* (father). Similarly, in the mother’s line, *Ajji* (grandmother) *Bari* [(a) wife of father’s elder brother, (b) mother’s elder sister], *Kaki* (wife of father’s younger brother), *Tachi* [(a) wife of mother’s brother, (b) father’s sister], *Musi* (mother’s younger sister) are called *Ayo/Yo* (mother). Elders use terms, *Beta* (son) and *Beti* (daughter) for their nephews and nieces. The younger members

address all the elder ones as *Dada/Da* (elder brother), *Didi/Dai* (elder sister). The elder members address all the younger ones as *Babu* (little brother), *Mayia/Mayi* (little sister), *Chu, Buchu, Hiya* (dear one, little one). These are to show greater respect for the elders and greater affection for the younger ones. According to tribal custom, only those people have the right to call someone by name who may have assisted the latter at his/her birth or name giving ceremony.

**Joking Relationship**

A certain category of people have a fun loving relationship among themselves, for example, between (i) grandparents and grandchildren, (ii) brothers-in-law and their wives’ younger brothers and sisters, (iii) sisters-in-law and their husbands’ younger brothers and sisters, (iv) wife’s brothers-sisters and husband’s brothers-sisters. People in joking relationship may enjoy greater freedom and familiarity with one another and may have a lot of fun without offending one another. Relationship may be real or classificatory.

**Reserve-Respect Relationship**

In this relationship, there is a certain distance due to a reserve-respect attitude towards one another. Members of different families and clans enter into such relationship through affinity. One enters into this relationship through a special ritual. Relationship may be real or classificatory, for example, between (i) one’s elder brother and one’s wife, (ii) one’s husband and one’s elder sister. Out of deep respect for each other, there is a reciprocal *avoidance* and name *taboo* between a woman and her husband’s elder brother real or classificatory. For the same reason, there is also name taboo between a husband and his wife.

**Clan**

Kinship structure includes the *family* and its extension into the broader group relationships, that is, the *clan*. Each tribe is divided into a number of patrilineal clans named after totems, such as, *animals, birds, fish, plants, minerals*, etc. There is a matrilineal clan system among the Garo, Khasi and Jaintia tribes. ‘Totemism’ is reverence for or veneration of different natural species identified as ‘totems’ with the solidarity of particular human groups, especially groups of common ancestry. They are eponyms (names standing for persons to whom one’s ultimate ancestors can be traced back). They are respected (not venerated). There are various legends about them of receiving some help from them in ancient times. Each clan descends from common ancestors. It is this belief which is the foundation of *marriage outside one’s own clan* (clan-exogamy). It is for the same reason that sexual union between persons of the same clan is regarded as *incest* (sexual union between close family members). According to Adivasi creation stories, it is God Himself who divided human beings into various clans to enter into *inter-clan* marriage relationships.

**Check Your Progress I**

**Note:** a) Use the space provided for your answer.

b) Check your answer with those provided at the end of the unit.

1) As a part of kinship system, how does *clan* play an important role in forming tribal social relationships?

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## 4.4 SOCIO-RELIGIOUS RITES

### a) Birth

#### *Pre-Natal, Natal Observances*

In some traditional tribal groups, it is believed that the child in the womb is more exposed to supernatural influences. Therefore, the expectant mother should not go out when it is thundering and lightning, otherwise the child would be born deformed. She should not touch a dead body, should not associate herself with anything that signifies death. When her time to deliver the first baby has come, her father or uncle is called to the house of her husband to take part in the sacrifice offered to the ancestor spirits for the wellbeing of the mother and the child.

If the mother had lost some children soon after delivery, the baby is left in the manure pit for sometime to be picked up by some of the relatives soon after. In this case, the baby may be provisionally named as 'manure one' or 'thrown one' with the belief that even the spirits would not like to touch such an abject baby for harming it. Thus the baby would be spared from malevolent spirits and would survive.

On the day of the baby's birth or within 2-3 days of delivery, the father of the baby goes to the village priest with a red fowl, some pearl (white) rice and a copper coin. They are waved round the baby and the priest is requested to offer sacrifice for the baby. Using these objects, he offers a sacrifice to the village spirits and pours libation of rice beer to the ancestor spirits on behalf of the father. Prayer is offered to God to protect the baby from all harm and to bless it abundantly.

#### *Name Giving*

Tribals have a custom of choosing a name for a child. One of the elders takes his seat with a bowl of water and some paddy grains. He removes the husk of a grain with his finger nails and drops it gently on the still surface of the water in the bowl to float. It represents *God*. Likewise, he drops the second grain representing the *elders* of the village. Similarly, he drops the third grain in the name of the *child* and lastly he drops the fourth grain naming at the same time one *ancestor*. If the last two grains meet while floating, the child is named after the ancestor in whose name the fourth grain was dropped. From then on this ancestor becomes the *patron* or *guardian* of the child. The operation is repeated till the third and fourth grains meet. After this name-giving, the child belongs to the *community*, *clan*, *tribe* and *ancestors*. It is an initiation of the child into the clan and tribal community to grow and mature in them as a full tribal. This ceremony manifests that the child belongs to God and the elders are witnesses to this mystery of life. It also shows that the goal of this earthly life is to attain the ancestral community at long last. It is in this community that the tribe lives for ever.

### b) Marriage

The tribals are *endogamous*, that is, a tribal has to marry *within his/her own tribe*. The tribe is divided into *exogamous patrilineal clans*. It means, a tribal of a particular clan has to marry an *adivasi* of his/her own ethnic group having another clan. *Adult*, *virilocal* (husband's place), *monogamous*, *life-long marriages* are the general rule. *Widow remarriage* is allowed. The tribals of Jharkhand,

Chhattisgarh and Orissa origin allow marriage to take place between the descendants of a brother and his sister *beyond three generations*. It is considered the duty of parents to select the life partners of their children, though not without the consent of the latter. During the preliminary stages of negotiations, parents of the bride inspect the family of their prospective son-in-law to make sure that his father possesses enough land and cattle for a comfortable living of their daughter after she is given in marriage in that family. A landless tribal finds it difficult to marry his child.

**Marriage Negotiations**

Marriage negotiations are conducted through an intermediary or go-between. On arrival of the boy’s party, the purpose of its visit is inquired by the girl’s party and the answer is given in a very symbolic language as follows: (a) “Vegetable has grown in your side. Therefore, we have come to pluck it. Would you allow us pluck it please?” (b) “One of our she calves got lost. It entered this side. So, we have come to look for it. Would you allow us to take it back please?” etc. Mock acting, the girl’s party would first refuse to fulfill their request before agreeing to it.

At the end of this dialogue, *omens* observed on the way are examined. Omens are signs from nature. Some omens are good while others are bad. With good omens marriage negotiation among the traditional tribals continues or else it may get terminated.

Good Omens	Bad Omens
a) a lamp burning: it is a mark of prosperity;	a) a thorn pricking: loss of blood and, therefore, loss of life;
b) a woman carrying water: presence of water symbolises life giving power and vitality;	b) an empty pitcher: sign of lack of life giving power and vitality;
c) a <i>raja</i> or royal youth: power or wealth symbol,	c) a woman carrying ashes or clothes in an earthen vessel for washing purposes: sign of weakness;
d) a corpse being removed: death is out of the way, opportunity for a new life,	d) a dead animal being removed: destruction of property;
e) seeing monkeys on the way: monkey is the nephew of God, therefore is sacred symbolising God’s favour;	e) a snake on the path: a danger symbol;
f) itching in the palm of the hand: sign that one will get money;	f) a vulture overhead: it feeds on carrion and, therefore, associated with death;
g) Jackal crossing from left to right: going away from the life centre: symbolises that death is on its way out;	g) hearing an owl: its cry suggests harm and horror;
h) seeing or hearing a pigeon or a kingcrow singing: sign of humble, patient, loving and hard-working housewife.	h) a jackal crossing the road from right to left and hearing its howling: moving to left is moving to life centre, in the present case, the jackal’s direction of movement and its howling are signs of imminent death;
	i) a tree or branch coming down suddenly on the path is a sign of impending death.

### ***Betrothal***

It is an opportunity for a boy and girl in the house of the latter's parents to see each other and express their mind of marrying each other publicly. The girl can express her agreement or disagreement on this occasion publicly. The rite takes place as follows:

The girl with her female companion side by side is brought out to stand on the open courtyard full of guests and relatives. Similarly, the boy with his male companion side by side is also brought out to stand in front of the two girls respectively face to face. Two small brass jars full of rice beer each are given to one girl each standing to hold.

One of the elders tells the young girl to take two steps forward if she is willing to accept the young boy in front of her as her future husband. If she is willing, she takes two steps forward with her companion. Similarly, the elder tells the boy to do the same and the latter with his companion does so if willing. The elder then tells the girl to pass the jar with rice beer to the boy. She with her companion does so. The boy is told to return the jar to the girl and he with his companion does so. The two jars with rice beer are then taken from the hands of the girls to be shared between the two parties as a ritual drink. The boy and girl with their companions greet each other and go back to their respective places. With this ceremony the ritual of betrothal gets over.

Occasionally, a girl may express her disagreement publicly in the above ritual and her decision would be respected without any offence. The celebration arranged consisting of singing and dancing, rice beer, meal, etc., however, would take place and the two parties would say farewell to each other joyfully and the cordial relationship between the two families could still continue.

### ***Bride Price***

After a few exchange visits of the two families, the boy's party goes to the girl's house very early in the morning. They take their seat and start a dialogue which is quite symbolic in nature. For example, "You have a beautiful she calf, so we have come to purchase it, how much price do you fix for it?" The girl's party may ask any price, for example, a thousand, a hundred rupees, etc. just for the sake of a dialogue. Having this mock bargaining for some time, they come down to the real bride price which may be Rs. 5/- (five rupees only) among the Uraons. It is only a token gift. Some other tribes give one or two cattle heads to the bride's parents. In their absence, a cash substitute and a gift of clothes may suffice. There is no dowry system among tribals. In order to seal the contract, they exchange *duub* grass in the sense of life long contract. This is an ever green grass which never dies. Mundas use clay marbles to signify coins and leaves to symbolise a *saari* (lady's long garment).

On this occasion the girl with her female companion is made to come out from the inner room carrying a pot of rice beer each on the head. One of the elders from her side gets up and says: "Behold brothers, whether my daughter is lame or maimed. Behold well." After this the girl with her companion takes two steps forward. After this two members from the boy's side receive the pots from them and one of the guests takes the girl as their daughter-in-law. Other guests give her gifts, such as, *saari*, blouse, hair ornaments, money, etc. Meanwhile, singing, drinking and feasting continue.

### ***Major Guest Coming***

On the eve of the marriage, the girl's party consisting of men alone, goes to the boy's house in order to show special respect, honour and acceptance to the boy. On arrival their feet are washed and they are seated on the courtyard. Following it, the bridegroom with his male companion comes out of the house carrying a pair of pots with rice beer. The guests receive the rice beer and share it among themselves. One of the guests takes the boy on his lap as a sign of affection and acceptance as their son-in-law. The boy is given some gifts, especially a *turban*, some money and other gifts. He with his companion goes round greeting everybody. During this visit the elders settle how much money or clothing are to be given to the girl's party consisting in (a) money, (b) wedding garment for the mother, (c) garments for the grandfather and grandmother, (d) garments for the bride's younger brother and bride's younger sister.

### ***Central Marriage***

At the central marriage ceremony, the bride and bridegroom are brought out in the courtyard to the full view of the assembly where they mark each other's forehead with *vermilion* (a blood substitute) to express their *marriage consent* publicly. In the Santal and Munda ancient custom, a bit of blood from the small fingers of the bride and bridegroom was taken out, mixed together and applied on each other's forehead as a symbol of life.

In the Uraon tradition, the bride stands in front and the bridegroom behind on a *grinding stone* on which a *yoke* and some *thatching grass* are placed. While standing the bridegroom presses the heel of the bride's left foot between the first and second toes of his left foot. This shows that the bride belongs to him. It is the grinding stone on which the bride would work daily to prepare the family meal. Similarly, the bridegroom would go to his field taking his plough and yoke to plough in order to produce crops and support his family. Finally, both the bride and bridegroom would require a shelter, a home, symbolised by the thatching grass to bring up their family. Thus, these objects are basic economic symbols of a home and marriage is the establishing of a *new home*.

### ***Union of Two Families***

Adivasi marriage uniting the bride and bridegroom also unites the two families in venerating their *lineage spirits*. This is shown through a ceremony called *veneration of earthen clod/libation of rice beer*. Towards noon, both the fathers-in-law with the son-in-law and some other elders of the village go to the kitchen garden. From both the parties five *saal* leaves are placed on the ground and one *clod of earth* is placed on each leaf. The father-in-law introduces his son-in-law to his family spirits and advises him to remember and venerate them in times of need. Both the fathers-in-law apply oil to each other and hold each other's arms and try to pull and push each other. They jointly pour rice beer to their ancestors. These rituals form a part of the ceremony of the union of the two families. Finally, they recite a formula as follows:

"Listen oh elders! We are becoming fathers-in-law. The dogs and cats of so and so (personal name) will be of the house of so and so (personal name) of such a such village (village's name) and the dogs and cats of the latter's house in this village will be of the house of the former. The thatching grass of this place will have to be taken for covering the roof of the former there and the thatching grass of that place will have to be brought for covering the roof of the latter here.

Listen oh family relatives, below are the elders God is above. Binding with iron will break, binding with (living) skin (and flesh) will not break (though) stone will float, dry cow dung will sink!" It means that the union established between the bride and bridegroom will last lifelong without breaking.

### ***Marriage Sermon***

After marriage, an elderly person gives an important instruction to the couple as follows:

"Look you so and so (bridegroom), this so and so (bride) has become your wife. While working or plucking vegetable, if she would fall down and her legs and hands would break or she would become blind or deaf or due to some suffering her face and form would get ugly, even then you do not abandon her. Whatever she would cook for you, eat and drink the same and be on the alert and never look at some other woman than your own wife."

Similarly, addressing the bride he says: "Look you so and so (bride), this so and so (bridegroom) is your husband. He would go to work or would go hunting into the forest or mountain and would break his leg or hand or would become blind then you do not abandon him. Whatever eatable he would bring, cook the same and serve it to him and never look at some other man than your own husband."

### ***Farewell***

Once all the ceremonies are over, the bride is handed over to the bridegroom and the marriage party is given farewell. The bride is given an *arrow with iron head* to take along with her to the bridegroom's house. On arriving at the groom's house, she inserts it in the ceiling at the entrance door. She is given the charge of the household with a ceremony called *entrusting of winnowing basket and broom* in the following words: "This is your house, look after it well." If her father or brother or any guardian has accompanied her to the new home, he gives her the last instruction on making a happy home of peace and prudence with mutual cooperation in the following words: "Take heed, there are many to sow seeds of discord in the family but few to sow seeds of harmony. Be on your guard. When you get your food stuff in plenty and when you have it very little, eat and drink it equally by sharing. In woe and weal, be serviceable and helpful to each other in daily works."

### **c) Death**

Those who die before the seeds in the fields have sprouted are cremated and some of their charred bones are collected in an earthen jar which is temporarily buried in the kitchen garden attached to the house of the deceased or sometimes inside an extra hut. The bones wait here to be deposited later in a *pit of bones*, a shallow grave in a field or grove over which a stone slab is placed or a rectangular stone is erected. Those who pass away from this life while there are crops still standing in the fields are buried in the burial ground. Little bit of their bones are later taken out and are temporarily buried in an earthen pot under a stone near the house.

### ***Bringing In The 'Shade'***

Tribals believe in the survival of *soul* in two shades, (a) *light shade* and (b) *heavy shade* and treat the dead with respect. On the day of the burial, one of the



elders among the mourners builds a small hut of straw with its opening in the north close to the burial place. He sets fire to the hut after dark and calls the dead person by name shouting thrice at the top of his voice, “O so and so, come quick, come quick; your house is burning!” After giving sufficient time for the soul to return, he leads it back to his/her former home all the while striking two ploughshares or a sickle and a ploughshare, (a sort of announcing bell). The door of the house is bolted from inside and a nearest relative waits behind it with a cock in his hand to be sacrificed. As soon as the man with the ploughshares knocks at the door, it is opened to let the ‘shade’ in. The man inside sacrifices the cock and pours its blood in a corner of the house requesting the *light shade* to reside peacefully among its old acquaintances.

***Reunion of the Heavy Shade***

Now that the light shade has come to its resting place to remain peacefully among its living members, they have to take care of the *heavy shade* of the departed person. It can be helped to come into the company of its ancestors through a special ceremony. Usually, it is held after 10 days of the burial. Meanwhile the heavy shade is believed to hover about homeless between the old house and the burial place. Food in leaf cups is provided for it during this period.

On this day, the courtyard in front of the house of the deceased person is cleaned and besmeared with diluted cow dung. An elder of the clan digs a round hole in the middle with a ploughshare. The relatives of the dead person gather together, each one bringing a little rice in a leaf cup and deposit it near the hole. The man acting in the name of the elders in the village, prays directly to God in these words: “O Father, this person (the deceased one) had been living among us. Now he/she is gone. See that everything be right for him/her.”

A small pig is killed and its blood is dropped in the hole by the person mentioned above. He pours all the rice brought on a mat and shuts up the hole saying: “O dear ancestors, deign to accept this person (deceased one) among you. He/she is one of your children. Receive him/her as such and have pity on us also that remain behind.” This is a sacrifice offered to the *clan elder* of the dead ancestors. The rice brought is cooked, and everyone eats of it. It is believed that henceforth the departed soul is in the company of the ancestors.

***Bone Drowning/Great Marriage***

It is the crowning ceremony of the tribal death ritual. In December or January when the crops have been finally brought in, the bones of all those who have died in the course of the year are taken from their temporary resting place close to the house. They are finally taken round the village halting for the last time before their old homes once and then are carried in procession with song, dance, drumming and weeping and are placed at the *clan pit* for bones. It is believed that after this ceremony, the spirits of the deceased persons who had died natural death during the year attain the *status* of ancestor spirits.

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**4.5 TRIBAL ADMINISTRATION**

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**Dance Ground and Bachelors Hall**

There is a large *square* in every village that serves for the dances of youths, meetings of the elders, and other feastings of the community. There used to stand

near to the entrance of most of the villages 'bachelors halls', differently known as *dhumkuria* among the Uraons, *git'i ora* among the Mundas, *ghotul* among the Gonds, *morung* among the Nagas and other tribes in the North East. These were large huts, built by the youngsters of the place, to serve at night as dormitories for boys. This is not only a place to rest after the day's work but also a cultural institution to initiate the youth into various cultural aspects of their society. Here they learn not only the art of singing, dancing and drumming musical instruments but also some village crafts as well. The supervision and control of the dormitory is in the hands of the eldest member among the boys. He is supposed to instruct the boys in their social and religious duties. During dances and other celebrations, it is his duty to see that they are dressed properly. He even has the right to punish anyone who does not obey him. Unmarried girls of a village sleep in the house of a widow and come to the square for dancing with boys.

This is an important social institution. Unfortunately, there has been some misconception about it. There are separate dormitories for boys and girls in tribal villages. In addition to receiving social education, the dormitory boys have many other social duties. For instance, the younger boys have to clean the rooms, spread mats and light lamps. During rainy or winter season they have to light the fire. When a guest comes to their village they have to look after the person. At wedding they have to do the cooking. If a villager needs any help for thatching a roof he/she may request the leader of the dormitory to send some boys to do the work. For their work they are either paid in cash or a feast is organised after the work.

The functions of the girls' dormitory are similar to that of the boys' dormitory. The supervision and control of the girls is in the hands of a senior lady of the village. Just as the boys have specific jobs to perform in the village, so do the girls. For example, when a villager requires any help in transplanting paddy, reaping and so on, he can request the leader of the girls in the village for their help. They are paid either in kind or cash. During any social function in the village, they help the boys in cooking. Bachelors dormitory thus provides privacy for the parents at home. It binds the community together, provides opportunity for close companionship and educates the village youth in community living. In spite of all this with the advance of modern education and urbanisation; many of these dormitories have disappeared.

### **Village Organisation**

Taking the example of a few major tribal groups in central and eastern India, it is found that the descendants of the *founding fathers* of a village generally belong to the same clan and enjoy the highest status in their community, even if they form only a small section of it. Their lineages alone can furnish a village *headman* and a village *priest*. In their absence no deliberations of the village council can proceed. All tribal adult males are entitled to take an active part in the meetings of the village council and to join in the periodical sacrifices offered to the village deities at the *sacred grove* and other places of public worship.

#### **a) Village Council**

The village council once exercised generally an absolute and acknowledged authority on the village community. The most solemn oath of a tribal once used to be by "*God above and the elders below.*" Disputes about partition of family property, certain offences against marriage regulations and occasionally cases of

theft and assaults are still submitted to the village council. While all adult male members of a village community are allowed to attend it, it is generally the elders who participate actively in the deliberations. In the internal administration of each village, the village head is assisted by the village elders.

On an aggrieved person's bringing his complaint to the village headman, the latter calls the village elders at a convenient meeting place which is generally the village square. The disputants are now summoned before the assembly. The headman, then, informs the defendant of the charges laid against him/her and hears out his/her defence and, when necessary, takes further evidence. They administer oaths to the witness in order to ascertain the truthfulness of the deposition. The witness is made to swear by such articles as a bit of *rice*, *cowdung* and *a clod of earth*, thus calling ruin on his *harvest*, *cattle* or *land* should he/she swear by a false statement. The headman sums up the case and pronounces the verdict of the whole gathering.

#### ***b) Patti/Parha Organisation***

Over and above a village council, the tribals have larger unions made up of certain groups of villages known as the *Patti/Parha* system in central and eastern India. The most influential headman from these villages is elected as the *chief* of this village federation. The remaining village-headmen swear allegiance to this chief. However, this chief too, like the village head is looked upon as a chief among *equals*. He is a *leader* and *not* a ruler. Nor do any superior rights of property belong to him.

Each village of the above federation has its own distinctive flag or images of animals, such as, tigers, horses, or oxen, etc., which is its exclusive right to display at formal gatherings. No other village is allowed to display the emblem of the above village unless it has been ceremonially presented to it by the village owning it. All the member villages fight together against external foes, they join in hunts and meet at dance festivals.

The *Parha* federations were initially devised for mutual aid for defence and participation in combined social activities. Although their military and legislative functions have now passed over to the state, the *Parha* villages still join at dancing trysts or join in the ceremonial spring hunt, and still meet together to discuss and settle certain cases of tribal importance. Custom is the recognised law. Offences against the *Code of Custom* are punished with fines and in extreme cases with expulsion from the village community. The *Parha* council deliberates over cases of disputes over the right of games (hunt) and over village boundaries. In disputes between village and village and in cases of unusual importance of tribal interest, such as, divorce, land rights of widows and minors, inheritance, actions against crimes and nature of punishment, etc., the *Patti/ Parha* council is called upon which is presided over by the *Manki/ Parha* Chief. On the *Parha* still rests the task of enforcing tribal *endogamy* and clan *exogamy* and the prohibition of sexual union (a) within the prohibited degree of relationship, (b) with a member of another tribal group, and (c) with a non-tribal. Most of the violations of these rules are punished with expulsion of the accused person from his/her own community until he/she repents. He/she is then formally received back into his/her own community with a very expensive ceremony of community meal.

## 4.6 CUSTOMARY LAW OF INHERITANCE AND PARTITION

**a) Inheritance**

As a rule *males alone* inherit the family property. Women by nature being destined to marry into another clan do not inherit their father’s property. It is said that in order to ensure a ready supply of offerings to the dead ancestors, the tribals would not allow their family landed property to go out of their *clans*. Land belongs to the clan. Hence, women who on their marriage go over to another clan are debarred from inheriting any property at their parental home.

A childless widow or a widow with daughters only, provided she does not remarry or quit her husband’s house is entitled to the administration and exclusive usufruct (use and enjoyment) of her husband’s property until her death. Once the widow remarries and quits the house, all the property reverts to the dead man’s father or the dead man’s brothers.

*Sons* of a dead brother receive posthumously their father’s share. A sonless tribal who has only daughters, takes to his house a prospective son-in-law who promises to marry one of the daughters and to work for life at his father-in-law’s house. If he consents to it, he may even be adopted as a son to succeed his father-in-law. But this is rare. More commonly, a childless tribal adopts one of his close nephews as his son with the consent of the family and the village council and hands over his property to him.

**b) Partition**

Under the joint family system that prevails among the tribals, the father is the sole owner of the family property. As long as he lives, his unmarried daughters, his sons, their wives and children share the same mess, live under the same paternal roof, toil together in the fields and pool their cash earnings in one single reserve. Any member of a joint family may, from the date of his marriage, request for his share of property from his father or (if the father is dead) from the family. In case of refusal, he may appeal to the village council to fulfil his request which will often be granted, if based on reasonable grounds.

It is important to note that before the police and court systems were introduced, the village councils of elders and the councils of inter-village federations exercised generally an absolute and acknowledged authority on tribal communities. The tribals have been free to exercise their customary laws regarding inheritance, marriage and other social practices. The higher courts rarely questioned in the past and question today the decisions of these councils. This helps the tribals to get proper justice in their communities without losing too much time, energy and money in going to courts to get justice which is often denied to them in the present day court procedures.

**Check Your Progress II**

**Note:** a) Use the space provided for your answer.  
b) Check your answer with those provided at the end of the unit.

1) How do the tribal councils of elders maintain social control over the members of their communities?

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## 4.7 LET US SUM UP

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Before the police and court systems were introduced, the village councils of elders and the councils of inter-village federations exercised generally an absolute and acknowledged authority on tribal communities. The tribals have been free to exercise their customary laws regarding inheritance, marriage and other social practices. The higher courts rarely questioned in the past and question today the decisions of these councils. This helps the tribals to get proper justice in their communities without losing too much time, energy and money in going to courts to get justice which is often denied to them in the present day court procedures.

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## 4.8 KEY WORDS

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- Dikus** : Exploiting non-tribals who threaten the socio-economic and cultural security of the *tribal-in-groups*.
- Kinship System** : It establishes relationships between individuals and groups on the model of biological relationships between parents and children, between siblings, and between marital partners. Kinship includes *family* and *clan* its extension.

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## 4.9 FURTHER READINGS AND REFERENCES

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## 4.10 ANSWERS TO CHECK YOUR PROGRESS

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### Answers to Check Your Progress I

- 1) Kinship structure includes the *family* and its extension into the broader group relationships, that is, the *clan*. Each tribe is divided into a number of patrilineal clans named after totems, such as, *animals, birds, fish, plants, minerals*, etc. There is a matrilineal clan system among the Garo, Khasi and Jaintia tribes. ‘Totemism’ is reverence for or veneration of different natural

species identified as ‘totems’ with the solidarity of particular human groups of common ancestry. It is for this reason that a tribal marries outside his/her own clan.

### **Answers to Check Your Progress II**

- 1) The village council once exercises an absolute and acknowledged authority on the village community. The most solemn oath of a tribal once used to be by “*God above and the elders below.*” Disputes about partition of family property, certain offences against marriage regulations and occasionally cases of theft and assaults are still submitted to the village council. In the internal administration of each village, the village head is assisted by the village elders. On an aggrieved person’s bringing his complaint to the village headman, the latter calls the village elders at a convenient meeting place which is generally the village square. The disputants are now summoned before the assembly. The headman, then, informs the defendant of the charges laid against him/her and hears out his/her defence and, when necessary, takes further evidence. They administer oaths to the witness in order to ascertain the truthfulness of the deposition. The witness is made to swear by such articles as a bit of *rice*, *cowdung* and *a clod of earth*, thus calling ruin on his *harvest*, *cattle* or *land* should he/she swear by a false statement. The headman sums up the case and pronounces the verdict of the whole gathering.