

Chapter 6

Influence and Role of Social Panch in Devipujak Community

The Jat Panchayat or caste council plays very significant role in life of NTDNTs. It is considered as integral part in their life which exerts control and possess great decision-making power about the important aspects of their lives. The jat panchayat can impose restriction and punishment, decide traditions and rituals, impart justice and compensation (Raghavan & Mishra, 2015). There is a strong influence of caste council among Denotified tribes which affects most of the decisions related their social and domestic life. The help of agencies such as police and judiciary are taken by these groups nowadays; but still majority of them are taking up their issues in their own caste council for resolution. This traditional body of justice is highly controlled by elders in terms of power structure (Bokil, 2002). The jat panchayats are mainly male-dominated groups where women are hardly permitted to represent their views even in the matter which are directly pertaining to their life (Agrawal, 2018). The Sansi community does not bring matter into court but approach their caste council in case of dispute. Small issues are settled down by presence of less jury members in social panch while serious issues are discussed and decided by intervention of more jury members in social panch (Singh, 1959).

There have been many incidences that various caste-council played important role in bringing communities together and ensuring justice among them but they have been redundant with development of judiciary system which ensure protection of individual human rights. The traditional way of delivering justice is not more aligned with modern thoughts of justice, freedom, equality and fundamental rights (Bokil, 2002). During time of extra-marital case when jat panchayats intervene, they impose high penalties. If women do not accept wrong doings and refuse to give name of person, she has to face hard situation (Bokil, 2002). The chastity tests after allegation of extra-marital affairs are very common among Sansi community in Rajasthan (Bagchi, 2012; Parihar, 1999 as cited in Agrawal, 2018).

I attended two sittings of social panch during course of field work. I had made many observations about function of it when attended two assembly of it. I had also discussion with community members regarding functioning of social panch among Devipujak which enriched my understanding for it. The institute is simply known as '*Panch*' in Devipujak community.

6.1 Social Panch and Devipujak Community: An Introduction

6.1.1 Pedhi

Pedhi mean a person or persons who play a role of mediator in case of any issue between two parties.

6.1.2 Karar

Karar is a local word simply means a writing contract on white paper. It includes details of both husband and wife with their name, fathers' name, surname, village name, reason for meeting and mentioning that both the parties will abide by order of *panch*. Two parties and their witness sign the white paper at the end.

6.1.3 Gani

Gani means real problem between parties. Gani can be expressed oral or written form.

6.1.4 Vijaparo

It is a final written document of order of panch. I had attended one of the assemblies of social panch where final order delivered by social panch was divorce for husband and wife which was binding to both the parties at the end.

6.1.5 Kunkari

Kunkari is meeting of some important elders in which they decide the amount one party has to give to another in case of divorce. It is a meeting of limited people. They decide amount in the meeting.

6.1.6 Lakhanu Padyu

If the decision of divorce is given by social panch and accepted by both parties is known as *Lakhanu Padyu*. It says the divorce has finally happened.

6.2 Case One: Social Panch and Divorce

Maheshbhai who was first contact person from Devipujak community and initially extended support to me during pilot visits and making initial contacts with community people. His cousin was having some issues with his wife for which social panch was going to gather at particular village. He informed me about the meeting of social panch and asked me to accompany them to observe how social panch is functioning in Devipujak community. His cousin Hitesh had registered case in One stop centre (OSC) and both husband and wife were called for counselling but the issue did not get resolved. Maheshbhai was working in health sector and office of One stop centre was there beside his office so he advised his cousin to register a case there. On the day of assembly of social panch, Mukeshbhai and me both went to his house first where group of people were already there. I was known to his family member and they were also aware that I am doing a Ph.D on Devipujak community. I got engaged with them in regularly conversation. They told me in jolly way that my PhD will be completed today itself after attending their social panch meeting and we started laughing for a while. We left around 10.30 am for Meru village which was a place decided for meeting of social panch. They select village which is not belonging to either of the party or their relatives for social panch meeting.

I had earlier impression that social panch means group of five people but the situation was different here. We all left with 30-35 members to Meru village and also along with us 5-7 more members who were around 70 to 80 years old in three different cars. They had also

taken some sticks with them to meet any unfavourable situation. We reached there around 11.30 am and the members from girl side were already reached there.

Both the parities and mediators mean *Pedhi* now onwards sat searching open space on floor. *Pedhi* means person or party who mediate between two. There were around 100 to 150 people gathered from both the sides. There were around 20-25 women present there. People were from different ages including young, middle aged and older persons. The number of older persons were around 20. Sitting arrangement was like both the parities sat facing opposite to each other. Elders from both the parities were sitting on front row followed by middle aged who were sitting behind them. Young people were either seated or standing at last row. The *Pedhis* were sitting in between both the parties. They started process once all people settled down and first asked someone to bring plain white paper. They started writing *Karar* (contract) on white paper which include details of name of husband and wife, name of their parents, surnames, village name, the reason for meeting i.e. issue between husband and wife and lastly it was written that both the parties will abide by order of social panch without raising any objection. Signatures of both party members and their witness were taken at the end. During writing *Karar*, there were heated arguments between parties. One side was in favour of writing *Karar* of both the parties on same page while members from another side were demanding that *karar* of both the parties to be written separately on different pages. After strong arguments for sometimes, it was decided that *Karar* will be written separately for both the parties. An amount of Rs. 10,000/- was collected from each party as a bond. I then asked brother of Maheshbhai for collecting Rs. 10,000/ bond and he answered that it is collected because none of the party left the place until completion of process of social panch. If any party leave the place in middle, his bond amount is taken by social panch. We were also served tea after sometimes.

After writing up contract, the second thing was of *Gani*. *Gani* means actual problem between two parties. Both the parties either speak or write the problem. There were furious arguments between both the parties. The members from boy's side were demanding to speak *Gani* while the opposite party was saying to write *Gani*. No one was ready to accept the point of other party. They were telling that it was rule of our social panch to speak *Gani* and opposite party was telling that there were examples of written *Gani* in our community. Both the parties were putting forward their points. At one-point members from girl's side decided to walk out and

stood up with demand to call off meeting. The members from *Pedhi* were trying to make them to understand the matter and solve it by discussion. Both the parties were arguing and meeting was stopped from main agenda for an hour.

The meeting started after sometimes and both the parties decided to write *Gani* first and then speak out to members. They got engaged in writing *Gani*. It took around one and half hour to complete their writing. It was around 03.00 pm and everyone was feeling hungry so it was decided to bring some food for all. They took out Rs. 10,000/- with share of Rs. 5,000/- of each party from the bond and bought *gathiya*, *peda* and *sukhadi* which was serve to everyone there.

The seating place was changed after food and all members sat near entry gate. They decided now to speak out *Gani* so one of *pedhi* members started reading *Gani* but hand-writing was not readable so he called a person who wrote it. The *gani* of both the parties were read and they had blamed each other for the issue. The members of girl side blamed that they made treatment of their daughter at Government hospital after delivery. The point of boy's side was that they admitted her into private hospital where she gave birth to pre-mature baby of 8 moths who died after four days. It was a critical case and there was a situation that either mother or baby can be saved so they decided to save mother and caesarean section was performed.

Both the parties read their issue before members of social panch present there. It was time to take opinion of both husband and wife. First, a boy was called and asked to stand at centre. They asked him what he wants? He replied that he does not want divorce and is ready to accept his wife. He just said two sentences and asked to go now. Then a girl was called to express her views. She was walking inside the circle but they asked her to stay there and share her views. She said that she was feeling like poison at her husband's house and wanted to get divorce from him. She expressed her views in brief and asked to go back and take her place. Someone was demanding to know the reason in detail but *pedhi* member stopped him and said that there is no need to know reason in detail.

Once views of husband and wife were taken, a writing was done on white paper which is know as *Vijaparo* in their language. It is considered as a final document of order of social

panch. After discussion of all members and considering views of both partners, social panch gave their final orders with all the details written in *Vijaparo*. In this case, final orders given by social panch was divorce between husband and wife and no one claim any right on anybody now onwards. They had also mentioned that the orders is bound to both the parties and they will not take legal help in future for particular issue. If any party breaches the order, they will have to pay Rs. 1,51,000/- to social panch.

The next process was of *Kunkari*. It means elders will meet and decide the amount given by party who wants divorce to another party. Some members from both parties and *pedhi* went far away to different place for discussion and deciding the amount. They took nearly 45 minutes in meeting. After coming, they first called a boy and asked to make signature on *Vijaparo*. He was asking first to read and then will make signature. He made signature on white paper after sometimes and then his wife's signature was taken on it. After it, they disclosed that girl's father will give amount of Rs. 1,50,000/- to boy's family and finally divorces were declared. The whole process among them is called *Lakhanu padayu* in their local language.

It was an amount of Rs. 51,000/- given by girl's father to boy's father there itself. It was decided that the remaining amount will be given in next few days. One of the members of *pedhi* said that it is a rule of community that 25 percent of amount to be given to social panch so Rs. 37, 500/- was given to social panch by boy's father which was divided among *pedhi* members who played role as mediators. It was also decided that *Kariyawar* which includes items given to girl at the time of marriage should be returned to her family by boy's family.

6.2.1 Difficulty Encountered due to Presence of Ethnographer

I participated in meeting of social panch with family members of boy. I was not knowing any of the members from girl's family and vice versa. I had told prior to Maheshbhai to share information about my presence as a researcher to opposite party so it will not create any difficulty but he could not inform them due to some circumstances. The process of social panch was going on and I was standing in side and just observing what was happening there. I was called by someone from behind who was grand father-in-law of boy. He asked me that I

am looking like an outsider and not belonging to Devipujak community. It is an ethically incorrect to lie your participants in research study so I shared my true identity to them that I am here as a researcher and doing Ph.D study. I have come here to understand the process and functioning of social panch among Devipujak community. Some other people came when we were talking and someone asked me about my caste which I shared to them.

When I was talking to them, Hitesh and his family members came there and took me away from there. He asked me reason for going there. I explained him that I was called by your grand father-in-law who asked me my introduction. I said that I am here because of my Ph.D study and accompanied with family of boy. He told me that they cannot understand what is Ph.D and informed me not to go there. I was then standing and observing the process normally. I saw that group of young people suddenly came near me after five minutes and shouting to show my mobile. I was surrounded by crowd who was aggressive. Maheshbhai and his family members came watching it that I have been surrounded by crowd and tried to save me from them. I was telling them to be quite and listen me. I informed that I have come along with Maheshbhai and taken some of the photographs with his permission only. The family members of girl had suspect that I am News reporter and will publish news tomorrow in new paper about meeting of social panch. I explained them that I am not a News reporter and only PhD scholar. Maheshbhai asked me to hand over my mobile to them which I did. It was pattern lock so I opened it and show them gallery. All the photos were deleted and they did not find single photo of social panch meeting in gallery of my mobile phone. Finally, they believed it and crowd was scattered.

At this point, I felt that situation has become worst due to my presence which may lead to chaos between both the parties. Maheshbhai then explained everybody present that the reason for my presence here and ensured that I will not record anything of process of social panch and asked me to keep my all belongings inside car. I went along with Hitesh near car and kept my mobile and bag there. I was closing the door of car and observed that group of 10-15 young people were again coming towards me. They started arguments with me and asking me my mobile phone. Hitesh took me away from them and we came back to main place again. The members of girl's family were still were aggressive. I put forward my point and reasons of my presence to them. I explained them that I am here because of research study and not for any other purpose. I showed them my identity card also but it was written in English

language so they could not read and returned me back. Maheshbhai told them that I have met and known some of the important persons of community and active members in political party.

Raghobhai who was main member of social panch was associated with political party and knowing important persons said by Maheshbhai who were belonging to Devipujak community. I felt that the matter has become very serious which may lead to call off their assembly. I then went away from main group along with Hiteshbhai and his relatives. They were discussing about it with each other and demanding from family members of boy to give assurance that the matter of social panch meeting will not be published in newspaper. They gave strong assurance to opposite party and the process of social panch again started after an hour with calm down of situation.

6.3 Case Two: Social Panch and Engagement Discord

I had an opportunity to attend another gathering of social panch at Pritampur village. Hirabhai's second daughter was engaged with boy who was relatives of his niece. There were some elders from boy's side and relatives and family members of Haribhai nearly 20 to 25 people including both male and female gathers for meeting. It was noon time around 03.00 pm. I reached there and their discussion was already started. There was an issue of engagement and Hirabhai and his wife were in favour of breaking the engagement. I sat little away on floor with nephew of Hirabhai. The family members of boy were not in favour of breaking the engagement. Both the parties were sharing their own views in gathering. Hirabhai and his wife wanted to break the engagement but their daughter was not in favour of breaking engagement. Among Devipujak community, there is a custom of bride price. The bride price was decided Rs. 90,000/- at the time of engagement. The family of boy was not able to arrange decide amount so marriage was getting delayed which was creating problem between two parties. After gathering of couple of hours, they did not come to any concrete solution. They decided to meet after some days. A boy was a brother of son-in-law of Haribhai's elder brother who was also present there. He was staying with his in-laws since a year due to some family discord. Sometimes such gatherings also turn into hostile. A son-in-law of Haribhai's elder brother was slapped by his maternal-uncle thinking that he was in

favour of family of girl. After members of boy's side left the place, they started discussion that physical assault was not acceptable. Narharibhai and his brother Ghemabhai's wife came to meet Haribhai and his wife after sometimes. They expressed views of boy's side. They had given assurance to them in private meeting that they will give decided amount in bride-price and will take of their daughter. Hirabhai's wife was fearful after incidence of physical assault. She asked that who will give guarantee that they will not make physical attack on my daughter after marriage? There was no any final decision on matter and they decided to meet after some days.

6.1 Social Panch Gathering



Source: Field Work

6.4 Role of Women in Social Panch

In both the incidences of gathering of social panch, there was a presence of women. They were sitting far away from circle of male personnels. I got information about importance of views of women in decision making of social panch not during gatherings of it but later during data collection. They said that women can be present during gatherings of social

panch, they may express themselves but their views are not considered while making final decision by social panch. It is only elders whose views are important while making decision.

6.5 Summary

There is a well-structured judiciary system established in our country to deliver justice, but still there are traditional ways existing in many communities who deliver justice pertaining to affairs of their life. The functioning of social panch is still found among many nomadic and denotified communities. I had attended two assemblies of social panch during field work. One of the gatherings was pertaining to discord in marriage life between husband and wife. Both the parties gathered at particular village and matter was discussed in presence of social panch. The two parties discussed and threw allegations to each other in gathering. It was the final decision of social panch to order divorce for couple which was accepted by both parties. Another assembly was regarding issues in engagement. One party particularly girl's family was in favor of breaking the engagement but family of boy was not willing for it. Devipujaks usually approaches to social panch related to the matters of disharmony in marriage, quarrel between members and so on. The role elders is very influencing in gathering of social panch. They are ones who make final decision about the matter. The women were allowed to take part in gathering but they did not have role in decision making.