

TRIBAL CUSTOMS AND TRADITIONS

**An Anthropological Study of Bonda,
Kutia Kandha & Lanjia Saora Tribes of Orissa**

Volume I

By

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Territories under a fully funded Central Scheme. Accordingly, the Ministry of Welfare (now Ministry of Tribal Affairs), Government of India has sponsored this study and assigned the task to Anthropological Survey of India, Tribal Research Institutes and Law Research Institutes of various States and some NGOs. Under this scheme SCSTRTI was given funds to undertake the research project on Orissan tribes during the late eighties.

The pioneering work in this field has been done by Professor M.C. Goswami and his colleagues on the, *Customary Laws and Practices of the Patti Rabhas of Assam* under the auspices of the Law Research Institute, Eastern Region, Gauhati, Assam. Following this work, the Scheduled Castes and Scheduled Tribes Research & Training Institute (S.C. & S.T.R & T.I.) Bhubaneswar, Orissa has taken up anthropological study of tribal customs and traditions of seven important tribes of Orissa viz- the Bondo, the Lanjia Saora, the Kutia Kandha, the Juang, the Hill-Kharia, the Santal and the Oraon, of whom the first five have been identified as Primitive Tribal Groups (PTGs). The reports prepared by the research personnel of the Institute on these seven tribes constitute a series and are being published in two volumes for dissemination of information on tribal customs and traditions of Orissa.

For this endeavour, I sincerely thank Prof. A.B. Ota, the Director of SCSTRTI, Prof. K.K. Mohanti, the former Director of SCSTRTI and Prof. J. Dash, Professor of Anthropology in Utkal University who had edited this first volume and the authors of this series namely Shri B. B. Mohanty, former Deputy Director of SCSTRTI, Shri S.C. Mohanty, Research Officer of SCSTRTI and their associate colleagues who have painstakingly taken up and accomplished the task. I am quite hopeful that these books will be helpful to policy makers and planners, development administrators and general readers. My thanks are due to the Ministry of Tribal Affairs, Government of India for funding this research project.

Bhubaneswar
20 th March, 2009

(A. K. Tripathy)

Shri Ashok Kumar Tripathy, I.A.S.
Principal Secretary,
ST & SC Development Department,
Government of Orissa

FOREWORD

A large number of tribal communities inhabiting different parts of our country have maintained their cultural identities by virtue of their distinctive racial traits, languages, habitats, environments, life-styles as well as customs and traditions. Tribal-societies, by and large, are folk societies where the indigenous cultural matrices revolve around oral traditions and endogenous value system and their customs and traditions still continue to maintain the code of conduct of the folks. Hence, it is said that the tribal folks are tradition-bound and custom-oriented. Study of tribal customs and traditions is, therefore, useful for closer understanding of their society and culture. It is also necessary for better administration and development of their area and people. But paucity of information on this subject has been keenly felt by academicians and development administrators.

Our national policy further emphasizes the need for exploration, documentation and preservation of time tested and useful tribal customs and traditions before they become obsolete and lost in antiquity succumbing to the onslaught of the forces of modernization. This is to be done not only for ethnographic interest or for the sake of documentation but also to understand the tribal way of life in a better way for the purpose of effective administrative and developmental intervention and preserve as well as promote the time tested values of our tribal communities for the posterity of mankind.

Though the need for this work has been felt since the past century, that is, the time of Anglo-Saxon jurisprudence imposed on the native population of India during the British rule, very little has been done so far considering the large population and variety of tribal communities. Realising the importance of this work, the Working Groups on Tribal Sub Plans for the Seventh and the Eighth Five Year Plans have specially recommended for compilation of tribal traditions and customs mostly relating to marriage, family, kinship, maintenance, adoption and guardianship, property ownership, inheritance and transactions, social control and administration of justice etc. in all States and Union

PREFACE

The cultural heritage of any society, whether primitive or modern, is built on its age-old customs and traditions. The members of the community, who through socialization get themselves acquainted with and adhere to the social customs, usages, conventions, folk-ways, mores, norms, ethos, values and ideologies play their roles as actors in the social system not only in defining the social identity of the society to which they belong but also in transmitting them to future generations. In the process of transmission the customs undergo modification, reinterpretation and adaptation with the changing situation although some customs persist for a longer period. Factors, both endogenous and exogenous, are responsible for effecting such change and in course of time several old customs become obsolete and new ones emerge. It is inevitable that at a given point of time, many erstwhile customs merge into traditions and become a part of myths and social history of the community. According to Sapir, "tradition emphasizes the historic background of custom" and further in certain tribal communities, "customary obligations are recognized as a system of law that is capable of enforcement by the community". Customary sanctions, therefore, are not rigid but exist in a fluid state and change in adaptation with changing time and circumstances.

No society is static since, change is inevitable and tribal societies are no exceptions. During the post-independence period various welfare measures are taken in tribal areas to bring about rapid socio-economic development of the tribal people through adoption of various area-specific, community-specific as well as family oriented schemes and programmes. Due to inroads of modernisation, planned development intervention, implementation of multi-sectoral development programmes including infrastructural development, economic upliftment, educational advancement, influence of mass-media, development of consciousness and awareness etc. the tribal people are experiencing change in their socio-cultural life.

In the context of changing scenario in the tribal world, it is necessary to document the traditions and customs of some of the important tribal communities of the State before they vanish. Therefore, with full funding support of Government of India in the Ministry of Welfare (now Ministry of Tribal Affairs) the research project to study the traditions and customs of seven culturally significant tribal communities of Orissa, such as the Bondo, the Kutia Kandha, the Lanjia Saora, the Hill Kharia, the Santal, the Juang and the Oraon was taken up by the Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRTI) of Orissa. In

these studies humble attempt has been made to record various customs and traditions associated with marriage, family, divorce, adoption, fostering, minority and guardianship, property inheritance, and transaction succession and administration of law and justice along with the dynamics of culture change.

The present volume, which is the first one in the series, relates to three important Primitive Tribal Groups (PTGs) of Southern Orissa namely the Bondo, the Kutia Kandha and the Lanjia Saora.

The **Bondo** is a numerically small and archaic tribal group of Orissa. They inhabit a compact area that comes under Khairput block of Malkangiri district. They were well known for their homicidal tendencies and aggressive behaviour. They belong to Proto-Australoid racial stock having a dialect of their own called 'Remo', that is grouped under the Austro-Asiatic sub-family. They chiefly eke out their living by practising slash and burn cultivation. In their social life the girls' dormitory, 'Selani dingo' serves as the most important institution for imparting training to youths apart from discharging the function of the matrimonial agency. Due to high degree of illiteracy, inaccessibility and confinement to a particular territory, the Bondo have managed to keep themselves away from the influence of the outside world. Even today, the traditions and customs of their society are followed religiously.

The **Kutia Kandha** is a section of the Kandha tribe of Orissa. The Kandha are numerically the largest tribal community of the State and are found in almost all districts. The Kutia Kandha, who constitute a primitive section of the tribe are found in Kandhamal and Kalahandi districts. This book deals with the Kutia Kandha living in Belghar area of Phulbani district. The tribesmen are known for their buffalo sacrifice ritual, locally known as "Kedu" to worship their Earth Goddess - "Darni Penu". They belong to the Proto-Australoid racial stock and speak a dialect of their own called 'Kui', which belongs to Dravidian language family. They practise of swidden cultivation and forest collection, which form major sources of their sustenance. The tribe is divided into a number of exogamous clans or Gochis, which are non-totemic. In each village there is a well-organised traditional political institution headed by a secular headman called Majhi. The village priest is called Jani. Both of them play key roles in managing the internal and external affairs of the village. They worship a large number of deities and spirits; the chief among them is Darni Penu, the Earth Goddess. Due to their economic backwardness and large scale illiteracy, they have been declared as one of the primitive tribal groups of the State and two Micro Projects have been set up in their area to look after their socio-economic upliftment.

The **Lanjia Saora**, constitute a section of the Saora tribe of Orissa. The Saora is a numerically and culturally a significant tribe found in almost all the districts of the State. But the Lanjia Saora, who constitute a primitive section of the tribe inhabit a compact mountainous territory that comes under Gajapati and Rayagada districts. One unique feature of the tribe is the absence of clan/sib organization among them. Instead, the extended family called Birinda, acts as a substitute of the clan. Unlike other tribal communities Birinda membership of a woman remains unchanged after her marriage. They practise shifting cultivation along with terrace cultivation in which they have indigenous skill. They have a very elaborate pantheon and round the year they worship numerous deities more often with animal sacrifice. The secular headman of the village is called Gomang and he enjoys power and prestige. They are very famous for their wall paintings, called ikons. Their ancient culture is undergoing change under the impact of Christianity and modernisation.

I express my hearty gratitude to Shri Ashok Kumar Tripathy, I.A.S., Principal Secretary, ST & SC Development Department, Government of Orissa for so kindly writing the foreword to this volume and for his valuable encouragement for its publication.

Out of the accounts on the three PTGs published in this volume the credit for one i.e., the Bondo goes to Shri B.B. Mohanty, Former Deputy Director. For the remaining two i.e., the Kutia Kandha and the Lanjia Saora, Shri S.C. Mohanty, Research Officer deserves the credit. Both the officers have shouldered the entire responsibility of conducting fieldwork, processing and analyzing the primary and secondary data and drafting the accounts for publication in this volume. They have been assisted by Shri S. Das, former Statistical Assistant and Shri Sidhartha Kuanr, temporarily engaged as Research Assistant for the project respectively. All of them deserve my sincere thanks. Besides, Shri S.C. Mohanty has also to be thanked for accomplishing the whole task of conceiving and computer designing of this book. My thanks are also due to Syd. F. Baque, Personal Assistant to Director and Shri S.N. Panigrahi, the former Personal Assistant who have done the typing work for this volume.

Further, I express my gratitude to the Ministry of Tribal Affairs, Government of India for providing funds for these projects. Orissa Government Press, Cuttack also deserves my thanks for printing this volume.

Last, but not the least, the key informants of the Bondo, the Kutia Kandha and the Lanjia Saora communities deserve my special thanks without whose unstinted cooperation during the field study the collection of relevant data could not have been possible.

Bhubaneswar
20 th March, 2009

(A.B. Ota)
Director.

INTRODUCTION

(I)

No human society, be it a small or large aggregation of people, could exist without group life. "Such human groups are not simple aggregations of individuals, they are also characterized by systematic social relationships which serve to maintain the group and regulate the behaviours of its members" (Beals & Hoijer, 1971: 406).

Man alone enjoys the benefits of continuous organized cooperation and at the same time the ability collectively to modify his relationships and way of life. The society in which he lives has evolved mechanisms, in course of time, to maintain the human balance between stability and flexibility in organized group life. These social mechanisms are called mechanisms of social control which refer to "*those processes, planned or unplanned, by which individuals are taught, persuaded or compelled to conform to the usages and life values*" of their respective social groups (Roucek: 1965:3). These mechanisms comprise taboos, mores, customs, sanctions, public opinions, good sense and ethics of adult individuals. These are the unseen forces, which regulate the patterns of behaviour of the individuals in the society and help to maintain peace, tranquility and orderly social life.

Living in social groups is an essential attribute of being human. Such human groups are simply not aggregation of individuals; they are also characterized by systematic social relationships, which serve to maintain the group and regulate the behaviour of its members according to the expectations of fellow members of the society.

But why do people do what is expected of them? They do so because it is easier to do like others in the same society have been doing than to do something else which is a deviation from the standard norms of behaviour recognized and enforced by the society. Further, the things that one has done and that one's forefathers had done as well as some things those have been thought over and struggled for, have come to be so rooted in sentiments, explanations and justifications that they have the force of conscience and gradually become 'customary' in character. When the members of a social group follow a particular kind of behaviour regularly over considerable period of time, say, through generations, they become habituated or 'accustomed' to it. Gradually it becomes a customary practice, as people consider it is the 'right' thing to do like their forefathers have done and therefore the practice should continue. This observance of a custom becomes obligatory and any deviation to this is considered immoral as it is taken as an insult, challenge and offence against the society.

"The word custom is used to apply to totality of behaviour patterns which are carried by tradition and logged in the group, as contrasted with the more random personal activities of the individual. It is not properly applicable to those aspects of communal activity, which are obviously determined by biological considerations. Custom is often used inter-changeably with convention, tradition and mores, but the connotations are not quite the same. Convention emphasizes the lack of inner necessity in the behaviour pattern and often implies some measure of agreement, express or tacit that a certain mode of behaviour be accepted as proper. The more symbolic or indirect the function of a custom, the more readily it is referred to as a convention" (Sapir, 1953: 658)

'Conventions' imply rules of conduct prescribing the "do's" and "do not's" by and for the members of a group. In other words, these are those standardized and preserved set of rules of conduct and behaviour which guides the members of a given community in the matters of what is to be done and not to be done. These are different from legal rules, moral precepts and fashions by the degree of obligation felt towards their fulfillment, the kind of reaction evoked by their violation, the form of sanctions to enforce them and their degree of permanence. They are less binding and authoritative than moral precepts and legal rules. "Legal and moral rules, on the other hand, apply more generally within given communities. Conventions, although variable when considered over long periods of time, are relatively more permanent than fashions" (Ginsberg, 1930: 352).

"Convention emphasizes the lack of inner necessity in the behaviour pattern and often implies some measure of agreement, express or tacit, that a certain mode of behaviour be accepted as proper. The more symbolic or indirect the function of a custom, the more readily is it referred to a convention". (Sapir, 1953). In a given society the series of interactions give rise to growth of several conventions embodied in it by spontaneity and inspiration and once they are established they continue to become fixed grooves controlling future action and thought.

Culture is the shorthand version of rules, which guide the way of life of the people in societies. It is defined as the sum total of learned behaviour traits and through culture human society develops standardized modes of action on which individual behaviour is to be patterned. Such patterns of behaviour, called social norms, are popularly known as custom. "Custom is a variable common sense concept, which has served as the matrix for the development of the more refined and technical anthropological concept of culture." (Sapir, 1953: 658) Originally customs are individual habits and in course of interaction among individuals they get diffused in the society. These diffused habits tend to maintain themselves and transmitted from generation to generation by their repeated use and practice. In the words of Sapir, "Customs helping to form ,

individual habit than individual habit being made over into custom" (1953: 659). It is not only referred to as a constraining force but also it is a symbolic affirmation of the solidarity of the group. Custom is distinguished from fashion as the later is set by a group of individuals and generally of short tenure.

'Tradition' implies the historic background of custom. The difference between both the concepts is more subjective than objective. Traditions are "social memories" which consists of impressions concerning the tangible world, the intangible world and the conceptual world. The traditions in any field, plus current opinion in that field, form the standards, ideals, faiths, isms, of the time (Bogardus, 1940: 453).

While customs are habitual ways of conduct among a social group, some of the inherited or transmitted customs, institutions, speech, dress laws, songs and tales which carry certain values are traditions and the application of the term implies value judgment for the inherited element. While customs are ways of acting among certain people or in a certain area, "A tradition is not a mere observed fact like an existing custom, nor a story that exhausts its significance in being told, it is an idea which expresses a value judgment". (Radin, 1930: 63)

"What is really a tradition therefore is not the institution but the belief in its value. The maintenance of tradition is the assertion of this judgment". (Radin, 1930: 63). "The substance of culture is custom and tradition, with custom being practically always supported by tradition, that is by the knowledge, ideas, beliefs and standards of the group. Customs and traditions may be viewed as the objective and subjective aspects of the same process" (Ellwood, 1952: 592).

The custom, which generates strong feelings of rightness or wrongness of conduct, is called 'mores'. "The mores of a people are its unformulated ethics as seen in action." (Sapir, 1953: 658). Mores are powerful mechanisms of social control. The concept of mores is associated with the concept of "folkways" developed by W.G. Sumner (1907: 43) in his book "Folkways". He said, folkways are "...the widest, most fundamental and most important operation by which the interests of men in groups are served." The folkways have small beginnings in isolated social phenomena by unconscious means and then become all-powerful in an automatic evolutionary way with passage of time. "Folkways are the product of the trial-and-failure method of meeting needs. They tend to become firmly established and to be passed on from generation to generation. They become traditional. They acquire all the authority, which is attached to the memory of respected ancestors. Even the ghosts of ancestors stalk the earth keeping guard over the folkways. The folkways carry with them the conviction that they are essential to human welfare. It is this conviction which gives them the force of mores." (Bogardus, 1940: 328).

Folkways are nothing but the group habits or customs. Culture which is supra-individual consists of folkways or group habits; the habits shared by many individuals instead of one and ultimately the transmitted habits give rise to social heritage of a group. These group habits not only become regulative, obligatory but also assume to be a binding force for the people of the succeeding generations. According to Davie, "Folkways are to be regarded as the units or elements of culture or civilization and by the same token all culture may be resolved into group habits. Customary modes of behaviour and thought are obviously of this character. Folkways originate in 'inventions' in the broader sense; these are adopted by the group and become thereby a part of its culture, they may then spread to other groups by diffusion". (Davie: 1931: 295)

'Mores' as defined by Sumner are "...the popular habits and traditions when they include a judgment that they are conducive to societal welfare and when they exert coercion on the individual to conform to them, although they are not coordinated by any authority." (1927-28:34) "When conviction arises that certain folkways are indispensable to the welfare of society, that they are the only 'right' ways and that departure from them will involve calamity, i.e. when philosophical and ethical generalizations are developed about them, they are called mores.... Morals are those mores which have become positive in dogma and which dominate on account of their importance, real or assumed." (Davie, 1931: 294). Morals are those mores, which lead to the right conduct of a group, and is formed out of taboos and prescriptions in the folkways. Sumner held, "The morality of a group at a time is the sum of the taboos and prescriptions in the folkways by which right conduct is defined..." Mores are never intuitive and therefore "They are historical, institutional and empirical. (1907:29) They are regarded as engine of social control which regulate the political, social and religious activities of the individual.

Taboos are mores in negative forms. They have more philosophical elements than positive injunctions because their breach may displease the supernatural and invite supernatural sanctions. They provide a means by which the fear of supernatural comes into play to prevent actions harmful to communal interests. Margaret Mead defines taboo, "as a negative sanction, a prohibition, whose infringement results in an automatic penalty without human or supernatural mediation". (1934: 502).

Customs in respect of rights and duties of individuals of a social group leads to law. The examples of many tribal societies establish the fact that the essential difference between custom and law does not lie in the difference between oral tradition and written formulation of custom. "Law can emerge from custom long before the development of writing... When custom has the psychological compulsion of law but is not controlled by society, through imposition of explicit penalties, it may be called ethics or more primitively mores". (Sapir, 1930: 661).

Distinction between law and ethics in simpler forms of society is difficult because both emerge from custom in somewhat divergent manner. "Laws are those folkways and mores which in addition to the uncoordinated approval of public opinion are given the added and specific sanction of the group as organized politically... Folkways and mores, laws and taboos, culture traits and customs are specifically human phenomena". (Davie, 1931: 295).

Precedent forms the basis both for custom and law. A custom becomes law when dispute arises about it and the custom is enforced so that it becomes obligatory. In other words custom becomes law when it acquires clear and definite sanction. Therefore customary law is also called 'case law' and goes as far as from the 'living memory'. Hindu law, which is mostly customary, was being extensively applied by the courts in British India. "Custom still plays a part in adjusting law to new situations even in highly codified systems and thus is a continuing source of contemporary law... written constitution ... tends to become largely customary. International law has been called customary. One of the modes of infiltration of customary law into 'positive law' is through 'interpretation' of the written law. Appeals are made to the 'unwritten law' before the juries in accordance with persistent prevailing conceptions of 'right' and wrong." (Lobingier, 1930: 666).

A custom becomes customary law with the backing of definite sanction. According to Radcliffe-Brown (1934: 531) "All social usages have behind them the authority of the society, but among them some are sanctioned and others are not. A sanction is a reaction on the part of the society ... to a mode of behaviour which is thereby approved (positive sanctions) or disapproved (negative sanctions)". There are two types of social sanctions, 'diffuse' and 'organised'. Diffused sanctions are spontaneous individual reactions but unorganized, while organized sanctions are carried out by the community or its agencies as per established traditional procedure. Negative sanctions are more definite and binding than positive sanctions. Besides, there are also religious or supernatural sanctions linked with religious beliefs and practices, concept of ritual purity and pollution, morals and ethics, which distinguish sin from crimes or offences.

While positive sanctions express in terms of rewards, awards, medals, praises, applauses, honour for good and noble deeds, negative sanctions manifest in public opinion and punishments like ostracism, black-listing, unpopularity, disapproval, against breach of norms. "Laws that punish offenders are negative sanctions, but sanctions are a more inclusive category, found, in all societies, whether they have law courts and prisons or not. These sanctions are learned in the process of socialization as one grows up." (Barrow, 1979: 300). Radcliffe-Brown said, "Organized negative sanctions in particular and to a great extent the secondary sanctions, are expressions of a condition of dysphoria brought about by some deed. The function of the sanction is to restore the social

euphoria by giving definite collective expression to the sentiments, which have been affected by the deed... The sanctions are thus of primary significance ... in that they are reactions on the part of a community to events affecting its integration". (1934: 533-534).

According to Justice Lahiri (1974), "Customs are habits or conducts observed by classes or groups of people; may they relate to etiquette, dress, rights surrounding important events of life such as birth, marriage and death". Every society must have customs of their own. Some amongst them are well established. They fall within the group styled as social custom. Customary practices are universal in character because these are observed in all kinds of societies, savage or civilized. Custom embodies those rules or norms, which are acknowledged and approved by the public opinion of the society and sanctioned by the will of the community. There is, indeed, a nexus between the ever-changing socio-cultural value system and the well accepted customary rules and practices. "Customary rules, regulations and practices are unwritten or uncodified codes of conduct hallowed by age old observance" in all societies (Goswami, 1982:7). Though these were unwritten, they were well known opinions of the community regarding right and wrong. These were forerunners of the modern law, which at the initial stages were the unwritten codes of public conduct. Therefore, the modern courts have recognized the validity of the customary rules and practices, which have already in their favour the prestige and authority of long acceptance by a social group. The courts have accepted that a custom, in order to be valid, must be obeyed from consciousness of its obligatory character.

The essential attributes of a valid custom according to Justice Pathak (Hindu Law; 1976: 18) should be; (1) Ancient, (2) Reasonable, (3) Continuous, (4) Certain, (5) Uniform and obligatory, (6) Not immoral (7) Not against public policy, (8) Not against statute and (9) Proved by clear and unambiguous evidence. Further addition and elaboration to the above attributes would be as follows: -

- a) There is authority behind a custom.
- b) A custom should not go against justice, equity and good conscience.
- c) A custom becomes valid by the ascent of the community.
- d) Customs are not theories but matters of facts.
- e) Customary law is a fluid state as it changes with time.

The explanation behind the prevalence of customary practices for social control and conformity is that in a society the activities of an individual is controlled and determined in a big way by the likes and dislikes of other fellow individuals. An individual living in a homogenous society receives help and advice from his fellowmen. He derives benefits from his association and involvement in social organization and becomes a part and parcel of the social system. He

becomes dependent on his fellowmen, bound by a distinctive set of social relations. The process of social relationships calls for social control and curbing some of his personal actions and wishes for greater good of the entire society.

Custom is more powerful and more persistent in simple primitive society than the complex modern society. "The primitive community has also no written tradition to appeal to as an impersonal arbiter in matters of custom and therefore puts more energy into conservation of what is transmitted through activity and oral tradition. Custom among primitive peoples is apt to derive some measures of sacredness from its association with magical and religious procedures." (Sapir, 1930: 660).

(II)

"In all societies, primitive or civilized, some means must be provided to enforce rules, punish wrongdoers, settle disputes and protect private and group property. Political organization facilitates the growth of society by mobilizing its resources, providing a sense of unity, and serving as a source of decisions designed to promote the general welfare of the group". (Holmes, 1971: 292). As Redfield puts it, "...formal political institutions not only keep societies going in the good old ways, they also provoke a challenge of those ways". (1956: 361).

Some sort of political organization is necessary to keep control over the behaviour of the members of every society. This political organization administers laws of various kinds to regulate the conduct of its members and maintain social order. Law is a social institution because it is enforced and backed by social sanctions. Societies cannot function without normative rules of conduct that grows out of customary practices. But such normative rules are not exactly same as laws. But there is relationship between customs and laws. Laws are generally in line with a culture's definitions of rights and wrongs. Laws that are not in line with such definitions are difficult to enforce. There are complications however to analyse law in terms of customs and normative rules because societies differ greatly in their beliefs about right and wrong.

Anthropological jurisprudence shows that all societies have legal systems suitable to their respective cultural patterns. This means that law is an aspect of culture. "In all known societies disputes are governed by definitely understood, though frequently unstated, rules with machinery and personnel to enforce them. Offences are variously defined and handled from society to society with a few crimes being almost universal. There are differences, also, in types of penalties and in the selection of persons responsible for the administration of justice. All legal systems, primitive and modern, are based on the social need to keep the group collectively and reasonably harmonious. All are dynamic and constantly changing in response to basic changes within the

culture, although different societies show varying degrees of capacity for adaptation," (Encyclopedia of Britannica, 1981: 1037). It was a common misconception until the beginning of twentieth century to regard "Law" in a rigidly limited manner, as an invention of advanced civilizations, marked by written codes, legislation and case decisions. Non-literate people who lacked writing, formal legal codes, police officers, courts and penal institutions were thus assumed to be without law. It is understandable therefore, that "Primitive Law" was somewhat late in coming under investigation, and only since World War-I has there developed a substantial body of literature on "Legal Anthropology", "anthropological jurisprudence", or the "ethnography of law" – some of the terms by which the specialization is called. Both lawyers with an interest in comparative legal systems and anthropologists concerned with systems of societal maintenance have contributed to the growing volume of work in this area.

The exponents and scholars who have gone deep and studied various aspects of legal machinery in non-literate small societies have treated this subject in more than one context. The Anthropologists have devised and used various terms like the 'law', 'government', 'political system' etc. to describe the ordering of life and societal behaviour among the primitive societies throughout the world. Walter Goldschmidt uses the term "governance" to delineate political systems where "authority is a kind of extension of kinship roles and familial decision-making processes". (1960: 366). He reserves the word 'government' for societies that have "a set of political institutions, separate and distinct from other elements in the society." (1960: 367) Lucy Mair holds the view that "Law is a subject. It is certainly an aspect of government, since the basic responsibility of government is recognized to be the maintenance of law and order... But since it is concerned with rules of conduct and the forces which operate to secure respect for these rules, it also belongs to the wider field that social scientists call social control". (1977: 139) Meyer Fortes and E.E. Evans Pritchard (1946) were of the opinion that not all people have government where there was no ruler, and they preferred to use a less controversial term, "political system: to visualize the entire range of political activities. Similarly, Radcliffe-Brown (1952) holds that to have a political system does not necessarily entail having law. Schapera (1956), on the other hand, argues that any society which recognizes that some of its members have the authority to make communal decisions should have 'government'.

Law is a complex human behaviour and it is an up-hill task to work out a precise definition of law suitable to both primitive and advanced societies. It is not a very easy task to draw a clear-cut line between the small-encysted societies and the advanced ones, as no single human society is simple or easily characterized. For examination of law and its administration, one finds that both 'primitive' and 'advanced' societies have one common feature: they are not composed of a single cell or segment, but of a number of such units –

groups of people bound by kinship, or by dwelling in a particular place. These groups are linked together in various ways, and these linkages and articulation provide both the society and its component parts with their social personality.

The political superstructure found among the more advanced societies is organically distinct from the organization of their constituent elements. In these societies it is not possible for a kinship group to act as avengers seeking redress from a group of a similar nature, as the state tends to monopolise the legitimate use of force. But the opposite is quite true in case of less differentiated primitive societies. Hence, the political organization may not go further than the segments and the way in which they are interconnected. Under such circumstances the explicit norms and the most clearly defined offices concern the safeguard of the sectional interests.

The words 'law' and 'laws' create a great deal of confusion if one slides without noticing it between the singular and plural. According Lucy Mair while the later are rules, the former means the whole process by which the rules that are recognized to be binding are maintained and enforced, including the motives and values. Some anthropologists have not only argued that the simpler societies have no law but only custom, but have also maintained that custom differed from law in being obeyed automatically without any need for enforcement. This view has been strongly refuted by Malinowski, who writes that law is to be found in every society, however simple. "Of course, every society has rules that it calls 'laws' and others that it calls customs. Both are matters of knowing how people expect you to behave and what you can expect of them." (Lucy Mair, 1977: 141).

Because of the multiplicity of meanings and uses of this term 'law', the very word is an extremely difficult one to define. The meaning and definition of the term differ, considerably from the way it is used by the physical scientists, moralist, lawyers and jurists as against the popular use. These are merely based on scientific observation and formulation and relate to cause and effect phenomenon. But for the social scientist's point of view, Bohannon (1963) is of the opinion that law should be studied as jurists do, not as lawyers do. He writes that, "Legal anthropology is concerned with the kind of rules people have, how they organize these rules into cultural systems, and the kind of social acts that are performed to maintain or change the rules. It must also go far beyond that point and ask how it is that the rules or laws reflect the most basic values, often so basic that they cannot be uttered by the people who held them." (1963:288). Gurvitch while commenting on the complexities of jural phenomenon writes that, "... the jural phenomenon is extremely complex, its structure being antonymic. Within it there come together autonomy and heteronomy, ideal elements and real elements, stability and mobility, order and creation, power and conviction, social needs and social ideals, experience and construction and, finally, logical ideas and moral values." (1953:40). The

definition of law envisaged by him as, "Law represents an attempt to realize in a given social environment the idea of justice (that is, a preliminary and essentially variable reconciliation of conflicting spiritual values embodied in a social structure), through multilateral imperative – attributive regulation based on a determined link between claims and duties; this regulation derives its validity from the normative facts which give a social guarantee of its effectiveness and can in certain cases execute its requirements by precise and external constraint, but does not necessarily presuppose it." (Georges Gurvitch: 1953: 47)

Various noted scholars in the field of anthropology and sociology have defined "Law" on the basis of their fieldwork among different communities living in various parts of the world. Radcliffe-Brown following the definition from American jurist Roscoe Pound defines law as, "social control through the systematic application of the force of politically organized society." During his treatment of social sanctions he has made a very helpful contribution towards clear thinking of law, as, "the maintenance of or establishment of social order, within a territorial frame work, by the exercise of coercive authority through the use, or possibility of use of physical force." (1949: 14). E.A. Hoebel, an American Anthropologist has further expanded the Radcliffe-Brown's definition in a manner that would fit to systems among the Nuer and other peoples. He writes, "A social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group-possessing the socially recognized privilege of so acting." (1954: 28).

Pospisil, an American Anthropologist who is trained in law conceives law in rules for which there is no physical sanction and writes, "law is conceived as rules or modes of conduct made obligatory by some sanction which is imposed or enforced for their violation by a controlling authority." (1958: 257) Holmes visualizes law as instruments of social control. While defining law he writes, "Laws are the most formal and obvious instruments of social control. They are rules enforced by the authority of the State and they are often supra community and supra institution ... Although these legal orders run contrary to the sentiments of the people of many communities and contradict mores, they nevertheless have precedence. Law often overrules the systems of folkways, or mores developed within certain institutions." (1971: 293). Barnow is of the opinion that law is nothing but a political unit which regulates both internal and external relations of a society. He writes. "A political unit must preserve internal order and also regulate external relations with other groups. Internal order is not solely due to the presence of laws and fear of punishment. It is also supported by informal sanctions such as the opinions of neighbours and fears of sorcery, ghosts, gods and punitive ancestors". (1979: 314). Two sets of views are offered by Anthropologists regarding existence of law in societies. Some held that law is universal, found in all societies, while others say that law is associated only with state societies.

Donald Black defines law as governmental social control and contrasts it with other kinds of social controls such as sanctions and advanced the proposition, "law varies inversely with other social control." (1976: 6). This means that there is more law in societies where other forms of social control are relatively weak. Within a society, too, law fills a vacuum when other forms of social control are lacking.

Hoebel and Weaver regard law as a complex human behaviour, and one aspect of social control and it consists of social norms, plus. A working definition of law that fits to both primitive and civilized societies devised by them says, "A law is a social norm which, if violated beyond permissible limits, usually will evoke a formal procedural response initiated by an individual or a group possessing the socially recognized privilege-right of determining guilt and of imposing economic or physical sanctions upon the wrong doer." (1979: 489).

Both law and customary law are formed on the basis of precedent, the mode on which a common path is formed across. The latter is a stage earlier than the former in the evolutionary stage and mostly confined to pre-literate primitive societies where the decision making mechanism is governed with oral tradition and custom without any document and written procedure. The historical school of Savigny has advocated customary law as "spontaneous expression of the genius of a people, arising from its juristic consciousness." Conventions, traditions, fashions, along with ethics, ideologies, values, norms, taboos which are spontaneously evolved and regulate the behaviour of the individuals which give rise to a custom in a primitive society. A custom becomes customary if followed generation after generation by the people in a given society. And when some mechanisms are evolved for its enforcement among the deviants it becomes customary law. Customary law represents the intermediary stage in judicial evolution when law is ceased to be conceived as simple as the will of gods. The important characteristic feature of the customary law is that the availability of a judge is more important than the availability of settled rules of law. Since customary law is regarded as a form of unwritten positive law of primitive form, it ceases to be customary as soon as writing is employed.

"A law differs from a custom in the quality of obligation". (Barnow: 1979: 307) A person who deviates from custom may be considered eccentric but cannot be punished for an infraction. Therefore, according to Edward Sapir, "the formulation of customs in the sphere of the rights and duties of individuals in their manifold relations leads to law." (Sapir: 1953: 661). The term law should not be used vaguely, rather its use should be limited to those situations where the enforcement of customary activity be made explicit, being rested in particular individuals or bodies of individuals. "Laws are the customs that persons must abide by. This means that laws must somehow be enforced;

they are enforced by an agency that is recognized as having political authority within the society." (Barnow: 1979: 307)

Law constitutes one aspect of social control, which is an integral part of every culture. "Social control consists of all those practices engaged in by the members of a society to reward and encourage approved behaviour and to penalize and discourage disapproved behaviour." (Hoebel: 1979: 499). Law is a part and parcel of the system on which a society relies upon for selection and maintenance of social norms. Like custom, law consists of social norms and is also sanctioned. Law may be private or public, the difference between these depends upon who has the authority to initiate legal proceedings and impose the sanctions. When, under this system the wronged party initiates legal action and carries it to its conclusion by punishing the wrongdoer, the process is referred to as private law. On the other hand, where the legal action is rested with a headman or a chief and the offence is called a crime, the entire process is in the arena of public law. Law is both substantive and adjective. While the former consists of the norms to be enforced, the latter consists of the norms which determine 'due process of law'.

Hoebel (1979) enumerates four major functions of law: These are;

1. to identify acceptable lines of behaviour for in the culture and to penalize contradictory behaviour, so as to maintain at least minimal integration of individuals within the society,
2. to allocate authority and to determine who may legitimately apply force to maintain the legal norms,
3. to settle trouble cases as they arise and
4. to redefine relationships as the conditions of life change, so as to help keep the culture acceptable.

Law consists of a set of principles which permit the use of force to maintain political and social organization within a definite territory. All social rules including political rules or laws originated first in longstanding customs or folkways and are based upon existing conceptions of justice and right in a given community. In time, custom is formulated into written statements which designate a certain type of desired behaviour in order to secure more perfect conformity to it. What is desired as behaviour depends on the values placed upon various forms of conduct by a given society and values in turn are produced under the sponsorship of the influential members of the group as accepted and supported by the rank and file. Nevertheless, law has its roots in custom and in early stages of man's development these rules were unwritten.

Either in embryonic or fully developed form, law is found in all primitive societies. The primitives are not "lawless savages". There is no reign

of lawless license at any stage of primitive society. Like the civilized societies the tribal societies also have laws of one kind or other to regulate their individual and social life. Most of these laws have originated from social customs. The tribal societies are mainly governed by customary laws. These customary laws backed by social sanctions are obligatory and are enforced by traditional tribal councils. Any violation of these laws is considered punishable depending upon the gravity of the offence and public opinion.

The tribal law does not distinguish between civil and criminal offences. The most important question to assess the gravity of any offence is how much the violation of a customary practice affects the social order and social solidarity. Some offences are considered as 'sins' for which supernatural punishments are expected. The community swings into action when the consequences of a breach of norm threaten the whole community life. In great many cases, the function of law is not to punish infractions of rules, but rather to restore order and harmony in the society.

As society expands, gets modernized, becomes complex, there is always a greater need to protect it from being endangered. Therefore, in the evaluation of law, public law seems to be gaining more importance. In the present day context of modern problems of survival and cultural adaptation, there is a need for creation of effective system of world law to meet the functional prerequisites of world society.

The so called tribal people ranging from hunters and food gatherers to agriculturists and industrial workers are said to have a close-knit, face to face, state less and simple, pre-literate societies. Their social organization consists of a kind of cultural apparatus not as complex as ours; their technological tool is much simpler and their lack of clock and calendar give an easy tempo to life. They have face-to-face relations. Whatever is produced in distributed and consumed among the small groups of kinsmen, and these kin groups function as educational institutions, recreational clubs, religious congregations and, of course, as political functionaries. Every tribal village functions as an independent political unit with a clear-cut politico-jural structure to maintain, foster and enforce peace and tranquility among the resident members. The council of elders often meets under a shady tree to discuss matters of common interest and to adjudicate such conflicting situations, which threaten to endanger peace, and harmony among the members and challenge the age-old habits, customs and traditions. Each council is led by a great elder called headman who owes his position to age, wisdom, character and divine favour. In the process of adjudication of cases his just verdict which is believed to be backed by supernatural sanction is accepted by one and all as a compromise between the moral order and social reality.

(III)

Indian tribes including the Orissan tribes have maintained their cultural identities by their distinctive racial traits, languages, social systems, customs and traditions which they have developed to maintain orderly social life. These tribal societies, by and large, are folk societies where indigenous cultural matrices revolve around oral traditions and endogenous value systems and their customs and traditions still continue to maintain the code of conduct of the folks. It is therefore said that the tribal folks are "custom-bound" and "tradition oriented". Study of tribal customs and traditions is therefore useful for closer understanding of their society and culture. It is also necessary for their better administration and development.

Moreover, the cultural foundations of tribal traditions and customs have started weakening under the present circumstances of rapid social, economic and political change. In this situation, there emerges the need for exploration, documentation and promotion of unwritten, time tested valid tribal traditions and customs, which have survived the test of time. This to be done not only for ethnographic interest or for bringing about a cultural revivalism but also to understand the tribal way of life in a better way for the purpose of effective administrative and developmental intervention.

During eighties and nineties, in pursuance of "National Policy" and Constitutional Provisions, the Working Groups on Tribal Sub Plan for the Seventh and Eighth Five Year Plans categorically recommended for compilations of tribal traditions and customs, mostly relating to family, marriage, kinship, maintenance, adoption and guardianship, inheritance, ownership and transaction of property, social control and administration of justice etc. in all States and Union Territories under a fully funded Central Scheme. Following this recommendation, the Ministry of Tribal Affairs (formerly Ministry of Welfare) had sponsored research projects on this subject. The work was mainly assigned to Anthropological Survey of India, Tribal Research Institutes and Law Research Institutes of different States.

Under this scheme, Ministry of Tribal Affairs sanctioned funds to this Institute in shape of grant in-aid out of Special Central Assistance for implementing the research project for "Codification of Tribal Customary Laws" during 1986-87. Seven important tribal communities of Orissa namely - (i) Kutia Kandha, (ii) Lanjia Saora, (iii) Bondo, (iv) Juang, (v) Hill Kharia, (vi) Santal and (vii) Oraon were selected to be covered under this research project. Among these seven selected communities five i.e. the Kutia Kandha, the Lanjia Saora, the Bondo, the Juang and the Hill-Kharia are identified as 'Primitive Tribal Groups (PTGs)'. These communities were selected from two distinct geographical and Tribal Sub-Plan regions of the State. The Lanjia Saora, the Kutia Kandha and Bondo belong to southern tribal pocket and the Santal, the Oraon, the Hill-Kharia and the Juang represent the northwest tribal pocket of Orissa.

This project was discussed at length in the THRTI Advisory Board Meeting held on 3.9.89 in which it was decided to follow the pattern of study adopted by the Law Research Institute, Gauhati, Assam for the "Study of Customary Laws of the Patti Rabhas of Assam".

The broad objectives of this study were as follows:

1. To document different traditional social Institutions in the context of identifying and preparing a firsthand ethnographic account of different age-old customs and traditions.
2. To study the customary practices, which have survived the tests of time and the linkages between different customs.
3. To find out the extent to which the surviving age-old customs and traditions have retained their stronghold especially in enforcing their unwritten code of conduct.
4. To observe how the tribal customs and traditions accommodate changing societal values under the impact of culture contact and modernization.

The methodology adopted for this study was - (i) interview, (ii) observation and (iii) case study.

The fieldwork commenced from 1990. By 1993 fieldwork and data collection in respect of all the seven selected tribes were completed. The drafting of reports (seven reports - one for each tribe) had also been completed by the end of this year.

The broad scheme of Chapterization under which, the project was designed and data were collected, analysed and finally presented in the reports were as follows -

1. Introduction
2. Socio-Cultural Profile of the Tribe
3. Family and Kinship Organisation.
4. Marriage
5. Adoption, Guardianship and Maintenance.
6. Property - Inheritance and Transactions.
7. Social Control and Administration of Law and Justice
8. Stability and Change.

The title of the project was initially kept as "Codification/ Study of Customary Law of (Name of the Tribe). Then in the light of the Recommendations of the Working Group during Seventh and Eighth Plan, the Title was changed to "TRIBAL TRADITIONS AND CUSTOMS: AN ANTHROPOLOGICAL STUDY OF (Name of the tribe). All the seven reports

for the seven selected tribes have been prepared with this common "Title". Subsequently, the Advisory Board of THRTI in its meetings held on the 12th November 1992 and, the 1st December 1993 gave post-facto approval to this new Title, and the line of study following the recommendations of Working Groups. The excerpts of the Working Groups Recommendations in this regard are given in Annexure - I.

Later it was decided that these seven reports are to be published in two volumes – the first one covering the three reports on the three PTGs of Southern Orissa ie, the Bondo, the Kutia Kandha and the Lanjia Saora, and the second one covering the four reports on the four PTGs of north-western Orissa i.e., the Hill-Kharia, the Juang, the Oraon and the Santal.

(IV)

This is the first volume presenting a first hand study of the traditions, customs and the customary practices of three important Primitive Tribal Groups (PTGs) of Southern Orissa namely the, Bondo, the Kutia Kandha and the Lanjia Saora. This is an ethnographic documentation made out of the empirical studies conducted by the research personnel of this Institute during 1990-93. The study is primarily synchronic although data of historical depth as and where necessary have been collected. It seeks to unravel the tribal traditions and customs in consonance with the recommendations of the Working Group on Development and Welfare of Scheduled Tribes during the Seventh and Eighth Five Year Plans, Government of India.

The first account is on the **Bondos** who represent one of the small scale and un-differentiated societies and who constitute to be one of the few tribal communities of India who are relatively less affected by the trends of modern civilization.

For the purpose of this study fieldwork was conducted during the month of December 1992 in seven upper Bondo villages in Khairput Block of Malkangiri district. The villages covered are Mudulipada, Sileiguda, Podeiguda, Dantipada, Badapada, Bandhaguda and Kirsanipada. During the fieldwork certain difficulties were encountered. As the people were busy in harvesting of paddy, the villages were almost deserted during the daytime. The convenient time for meeting people and eliciting information from them was either early in the morning or late in the afternoon. However, the people were very cooperative, friendly and helpful, who in spite of their busy routine life could be able to spare sometime to talk. Therefore, without much difficulty, data on different aspects of the study could be collected from them.

Primarily case study method has been employed for collection of data. Besides, through group discussion, observation and informal conversation much information was gathered from the people. An interview guide was also followed which served as checklist from time to time. To verify authenticity of the data collected from the informants of a particular village it was crosschecked with that of the informants of other villages.

In the context of present book attempt has been made to highlight the traditions and customs of the Bondo embedded in their basic institutions, like family, marriage, property -inheritance and transactions and political organization, etc in seven chapters.

The second account describes the traditions and customs of the PTG called **Kutia Kandha** who constitute a primitive section of the Kandha tribe. They are found largely in Belghar, Gumma, Lankagarh, Jhiripani Gram Panchayats in Tumudibandh block and few villages of Subarnagiri area of Kotagarh block in Phulbani district and also in the Lanjigarh block of Kalahandi district. They characteristically represent a pre-literate, primitive, pre-farming and pre-industrial tribal community who thrive on a subsistence economy based upon land and forest. Primarily, they are shifting cultivators. To an outsider the Kutia Kandha strike as a very important tribal community for their simplicity, quickness in observation and sensitivity. In almost all activities the tribesmen reveal a corporate life. They help each other in economic activities, and drink, dance and sing together in congregation. Religious ceremonies and festivals are performed communally. Crime is rare, adultery is uncommon and the individual behaviour is marked by honesty and truthfulness. Ideally hospitable, exceptionally candid and remarkably simple, this primitive section of the Kandha tribe live in close harmony with nature and fade away in its mystery. The empirical data on this tribe has been collected by undertaking field work in Belghar highland area in Kandhamal district during 1991 and presented in seven chapters in this book.

The third account in this volume relates to a colourful PTG called **Lanjia Saora**. To delineate the customary sanctions operative in certain spheres of their socio-cultural life, the scope of the study has been limited to cover their basic institutions such as marriage, family, economy, property, inheritance and succession and traditional mechanisms of social control. The field study has been conducted in the remote Lanjia Saora villages of Sagada Gram Panchayat of Puttasingi area under Gunupur Block of Koraput district. For the purpose of the study, the twin villages Sagada and Reilpadar were taken as base villages and the surrounding villages like Kereba, Alangda, and Angara were covered for cross verification and collection of additional information. The data collection was made through informal interviews with the help of interview guide. The ethnographic data has been presented in ten chapters beginning with a short introduction of the socio-cultural life of the Lanjia Saora.

The habitats of these three PTGs lie in a more or less remote and inaccessible highland region of southern Orissa far away from the mainstream of civilization. This region is sparsely populated in an environmental niche with rolling hills, thick forests, fast running hill streams and undulating valleys, which has kept them relatively isolated for centuries. Because of such relative isolation, they have been able to preserve and practise their indigenous life-style to a large extent against the tidal waves of the changing time.

Like other primitive tribal groups these PTGs i.e., the Bondos, Kutias and Lanjias are custom-bound and tradition-oriented. The maintenance of social control and administration of law and justice, both civil and criminal in their society are predominantly dealt with by their respective traditional village councils, inter-village regional councils and traditional leaders. The rules and procedures followed are mainly unwritten and customary in character.

The predominance of customs and traditions in their way of life is due to the fact that their societies are homogeneous and customary rules and practices are perpetuated through persistence and change. According to their people of older generation, the existing customary provisions are adequate for goal-attainment and these are cheaper, quicker and easier than the complicated system of modern law and justice. Their indigenous traditions, customs and practices form an integral part of society with almost perfect blending. They feel, in case their traditional system is changed or replaced by any modern system, it would not deliver the desired goods.

However, their societies, at present, are passing through a phase of transition due to environmental change and inroads of modernity and development intervention. While the old guards of these communities are pleading in favour of preservation of customs and customary traditions, the new generation is coming up with the challenges of discarding the old and accepting the new. Respect as well as strict adherence to traditional and customary institutions is gradually fading.

As primitive and socio-economically backward communities, the Bondos, Kutias and Lanjias deserve a speedy and meaningful all-round development intervention that would enable them to lead a better life and integrate with the national mainstream of culture and this is an avowed policy of Government of India during the post-independence era. Especially there are specific and special constitutional provisions to preserve the culture and customary practices of the tribal groups of India. In this situation nothing that is alien and harmful to their traditional systems should be imposed on them in the name of change and development and a suitable course is to be followed to strike a balance between the tradition and modernity. This cannot be achieved unless, their traditional life style and the time tested unwritten customs and customary practices are properly documented and comprehended.

PART - I

BONDO

Bibhuti Bhusan Mohanty

SOCIO-CULTURAL FABRIC

Among the sixty-two tribal communities found in the State of Orissa, the Bondo are considered as one of the most primitive tribal groups. They are found in the Khairput Block of Malkangiri district. The Bondo live along with other tribal groups, like the Gadaba, the Didayi etc in the Eastern Ghats. They were well-known for their homicidal tendencies. For their long occupation in a definite territory in relative isolation in this region, their habitat is popularly known as Bondo Country or Bondo Hill.

The Bondo belong to the Proto-Australoid racial stock and speak a dialect of their own called 'Remo', which belongs to South Munda group of Austric family.

The Bondo are numerically a small group compared to other tribal communities found in the State. During the year 1941 their population was only 2,565 (Elwin, 1950), which increased to 4,677 during 1961 and subsequently to 5,338 in 1971 Census. It further increased to 5895 in 1981 Census, to 7315 in 1991 Census and to 9378 during 2001 Census. Their decadal growth rate has successively increased by 10.43 per cent during 1971-81, 24.09 percent during 1981-91 and 28.20 percent during 1991-2001. The percentage of literacy among them was 2.1 during 1961 as against 7.3 for the total tribal population of the State. It alarmingly reduced to 1.4 during 1971 whereas the corresponding figure for total tribal population increased to 9.46. But during 1981 the literacy position of the Bondo improved to 3.61 per cent in comparison to 13.96 per cent for the total tribal population of the State. As per 1991 Census their literacy rate marginally increased to 4.20 percent as against 22.21 percent for all the tribes of the state. However this has gone up significantly to 14.69 percent in 2001 Census yet, still lies much below that of the total tribal population of the state which is 37.37 per cent for this period.

Based on the location of settlements, geo-physical diversities, and socio-cultural affiliations, the entire Bondo country can be divided broadly into three groups of villages. They are the *Bara-jangar* group, the *Gadaba* group and the Plain group. The *Bara-jangar* group comprises twelve villages namely, (1) Mudulipada, (2) Kirsani Pada, (3) Tulaguram, (4) Bandapada, (5) Bandiguda, (6) Bausupada, (7) Salanpada, (8) Gopurpada, (9) Pindajangar, (10) Kichapada, (11) Dantipada and (12) Pandraguda. These twelve villages are said to be the original Bondo settlements and form a confederacy for politico jural purposes. The *Gadaba* group covers six villages namely, (i) Andrahal, (ii) Dumuripada, (iii) Katamguda, (iv) Antamguda, (v) Bodbel and (vi) Bodapada. The Bondo of these villages are greatly influenced by the Gadaba culture and dialect and therefore,

they are known as Gutob-remo or Gadaba Bondo. Under the Plain group, there are five villages such as (i) Kadamguda, (ii) Pandraguda, (iii) Puchaguda, (iv) Similiguda and (v) Fat-Kanguda. The inhabitants of these villages have completely discarded their traditional culture coming in contact with the neighbouring Hindu castes.

Barring a few, most of the Bondo villages are homogeneous in composition. Even in heterogeneous villages the majority of households belong to Bondo, who live amidst other local communities, like, the Gadaba, the Mali, the Rana, the Paiko, the Dom, the Teli, the Lohara and the Brahman.

The typical Bondo villages are situated either on the hilltops or hill slopes amidst forests. The villages are neither contiguous nor connected with each other by any road except footpaths. Their settlement pattern is dispersed and does not show any definite arrangement. The houses are arranged one above the other in the uneven terraces conforming to a pattern of shapeless cluster. The traditional Bondo hut is of gabled shape and one roomed often partitioned into two with a verandah on all sides. The roof is thatched with jungle grass and sloped on four sides. There may be cattle shed constructed separately in front of the house. Before construction of a new house the traditional astrologer is consulted and he performs divination to find out the suitability and auspiciousness of the proposed site.

Family is the smallest basic unit in the social organization. It is mostly nuclear consisting of married couple and their unmarried children. A son after his marriage establishes a new residence. Authority in the family rests on the senior-most male member who is generally the father. The members according to their sex, age and ability perform their respective duties in conformity with the traditional division of labour for economic well-being and endurance of the family. The inter personal relationship between the family members is marked by mutual love, respect and affection towards each other which, bind them together and keep them under one roof. The descent is traced through the male line; only the sons inherit the property after the death of the father. The rules of equigeniture govern the mode of inheritance among them. Hence, the family among the Bondo is patrilineal and patripotestal.

The next larger social unit among the Bondo is the exogamous patrilineal clan called *kuda* or *manda*, the members of which are believed to have descended from a common mythical ancestor. There are nine *kudas* named after their traditional village functionaries. They are *Badnaik*, *Challan*, *Sisa*, *Dhangada Majhi*, *Kirsani*, *Muduli*, *Dora*, *Jhigli* and *Mandra*. The latter three names are said to be of recent inclusion in their *kuda* list consequent upon their marital union with other communities. Formerly the villages were unclean in their composition, but now due to population growth and frequent migration, the villages have lost their clan homogeneity. The most striking feature of the

kuda is that the members work as a cohesive group for socio-cultural and economic purposes. After marriage, a woman changes her parental *kuda* (clan) affiliation and becomes the member of her husband's *kuda* till her death.

Over and above the *kuda*, there are exogamous territorial units at two levels, the village and the inter-villages. At the village level there are members belonging to different *kudas* who are attached to a common *sindibor* – the village meeting place and worship a common village deity called *Hundi deota*. Besides, there is a group of villages, the members of which are tied with one another as brothers and sisters for they have shared *Soru*, a sacred food offered to *Patkhanda Mahaprabhu*, their supreme deity. As such no marital tie is possible between the inhabitants of one *Soru* group of villages even though they belong to different clans.

The next higher group is the *Bara-jangar* group of confederacy comprising of twelve hill Bondo villages, the members of which are attached to a politico-jural body of higher order. Besides, the great festival of *Patkhanda Mahaprabhu* is organized and celebrated jointly by the people of these villages.

The Bondo community is broadly divided into two exogamous groups known as *Ontal* (Cobra) and *Killo* (tiger) which, may be called as moieties. Among them members belonging to the former group are more numerous than that of the latter. Each moiety has a myth behind its origin and due to unequal distribution of population in these two groups; the significance of this dual organization has been considerably weakened. As a result they are now no more rigid exogamous units.

To a Bondo, the life is full of socio-cultural events, which a man experiences from his birth to death. It is a matter of rejoicing and an occasion to celebrate when pregnancy occurs in a family after marriage. But it is a matter of great concern to a family if pregnancy does not occur even after performance of magico-religious rites by the *Disari*, the astrologer-cum-medicine man. In such cases a man may go for a second wife, of course, with the consent of the first one. A child, be it a male or female, is always welcomed. A woman during early stages of her pregnancy does her routine work as usual, but at an advanced stage she undergoes certain restrictions in respect of her diet, movement, work and contact with outsiders. The child is delivered in the living room and at the time of delivery the woman lies over a bamboo mat. The mother-in-law and other experienced women of the village assist her for smooth delivery of the child. The delivery takes place in sitting or sleeping posture. In case of any difficult labour, the magico-religious specialist is consulted. At the time of delivery male members are strictly prohibited to enter the delivery room. Soon after the delivery the umbilical cord is cut by means of a sharp edged knife or arrowhead. Then the placenta collected in an earthen pot is buried in a pit dug in the courtyard close to the doorstep. The

birth pollution is observed for a week or so during which the family members abstain from doing any outdoor activities. When the pollution period is over the mother takes a ceremonial bath in the stream and a fowl is sacrificed at home and offered to ancestors by the head of the family. Besides, the *Disari* is also invited to perform certain ritual by sacrificing a chicken to make the lineage members pollution free. On the 15th day of the childbirth another ritual called *dubokgige* is performed with the falling of umbilical stump. In such occasion the maternal uncle gives a cock as gift if the child is a male and a hen if the child is a female along with some rice. The children are named after the day on which they are born. No special ceremony is observed for this purpose, but the presence of maternal uncle is a must on this occasion. Hair cutting ceremony is observed when the child attains the age of three. Specific puberty rites for both boys and girls are not observed by the Bondo on attainment of their adulthood.

Among the Bondo, marriage is an important event in one's life cycle, which enables him to lead an independent life and become a full-fledged responsible member of the society. According to their customary marriage rules, they strictly observe *kuda* (clan) exogamy. Besides, marriage between the boys and girls of the same village is not possible as they are regarded as brothers and sisters. In addition to these, they also observe *Soru* exogamy. They practise monogamy and polygyny, the former being more common than the latter. The most regular and traditional type of marriage performed by them is called *Sebung*. This is quite expensive and elaborate, which involves visits and exchange visits of both the bride and the groom to their respective in-law's houses for a number of times before marriage. The other type of marriage prevalent among them is *Guboi* (marriage by capture) that is less expensive and less elaborate. Most of the secondary marriages are performed by this procedure. Sometimes the forcible capture of a girl or a woman leads to violent quarrels between the concerned opposite groups sometimes leading to loss of human life and property.

The interesting features of Bondo marriage are that both boys and girls enjoy freedom in the selection of their life partner and among the marrying couple the husband is much younger than the wife. An immature boy of 8 to 10 years of age generally marries a matured girl of 16 to 18 years of age. A boy is considered elderly by the girls for marriage with the growing up of mustaches and beard on his face.

The striking feature of Bondo social organization is the presence of dormitory organization, which acts as a matrimonial agency. In every village there are two dormitories, one for the girls, called *Selani dingo* and the other for the boys called *Inger Sin*. Soon after the celebration of *Bandapana* festival in the month of July, the boys of one village visit the girl's dormitory of other villages in search of suitable matches for themselves. They spend night in the *Selani dingo* in the company of the girls, and after several days of interaction

between the opposite sexes they select their respective life partners. The parents, who never interfere in selection, take initiative only when they are informed by their sons about such selection.

Like other tribal marriages, the Bondo marriages are linked with the payment of bride price (*gining*). It is paid three to four days after marriage. Sometimes, in case of poor families the payment may be deferred for a longer period by mutual agreement. The payment of bride-wealth is made both in cash and kind. Some heads of animals, few pots of liquor and some cash constitute the bride price.

Among the preferential forms of marriage, the cross-cousin marriage, which is widely prevalent among the tribes of Southern Orissa, is completely absent in the Bondo society. The Bondo also do not practise sororate, but resort to levirate to some extent not as a matter of preference. A widow or widower is allowed to remarry. Divorce by either of the spouse is permitted on reasonable grounds. A divorcee is also free to remarry.

The Bondo practise both cremation and burial for the disposal of the dead. Persons dying of cholera, small pox and snakebite etc. are buried as per the custom. Besides, the dead bodies of small children are also buried. The survivors of the family accept a case of death in the family with deep sorrow. Immediately after the passing away of the soul, the family members burst in to tears and their loud lamentation convey this sad happening to other members of the village. Disposal of the dead is not an individual family affair; rather, it is performed jointly with the help of lineage and other members of the village. The pal bearers in company with the other mourners carry the corpse to the cremation ground on a bier. On the third day following death they observe *Bud* ceremony to ascertain the cause of death. On the tenth day another ceremony called *kingdak* is observed to make them free from pollution. It is very expensive and elaborates which entails among other features killing of animals for a sumptuous feast to be offered to the villagers, guests and relatives. Then, again after three years of death, *gunom* - stone or memorial stone slab is placed in honour of the deceased. It is very expensive, therefore, not commonly practiced by the poor.

Bondo are polytheist and profess animism. They believe in the existence of a large number of benevolent and malevolent Gods and Spirits who are said to control and shape the course of human life. They worship these deities and spirits on a number of occasions by offering sacrifices to remain safe from their invidious attentions. They believe that unless these unseen supernatural powers are propitiated and satisfied, mishaps bound to fall on them.

Patkhanda Mahaprabhu is the most important deity who is regarded as the creator of universe and mankind. He is known as *Singi-Arke* (Sun Moon) and fully benevolent. He is represented by a sacred sword of 3 feet in length and 6 inches in width. His sacred abode is the hollow trunk of a banyon tree in the sacred grove of Mudulipada village. He is the supreme deity of the Bondo. *Hundi deota* or *Bursung*, another important village deity with her seat somewhere near the *Sindibor* is worshipped with full of devotion and care on different occasions to ensure safety and security of the villagers. A stone slab represents this deity. Besides, the other village deities who are appeased for various purposes are *Malideota*, *Kot deota*, *Nisani deota*, *Sindibor deota* and many others. *Singraj* is their deity of forest and *uga* is his female counterpart.

Apart from these deities, there are numerous spirits. Their abodes may be at the hills, streams, wetlands, footpaths and many other places including the village itself. *Latachuan* is the spirit of stream, *Doliang*, the spirit of mango or jack fruit trees, *Garbada*, the spirit of low land, *kidding sager*, the spirit of musical drum and *Gunom*, the spirit of dissatisfied soul; are dreaded for their malevolent nature.

The religious functionaries who cater to the spiritual needs of the Bondo include *Sisa* or *Pujari*, the village priest and *Disari*, the astrologer-cum-medicine man. *Sisa*, being the religious head enjoys a very high status among them. He is responsible for worshipping the village deities and making sacrifices before them. His post is hereditary and he is remunerated for his valuable service to the village community. On the other hand, the village *Disari* is specialized in fixing and communicating the date and time of observance of different festivals, ceremonies, marriages and social activities. His post may be ascribed or achieved. He also gets some remuneration for his service.

The Bondo observe various festivals in different seasons of the year. These are associated with their economic activities, ceremonial first eating of food grains and fruits, annual hunting expedition and worship of deities. All such occasions are marked with fasts, feasts, dances, songs and various types of merry making and enjoyment. The important festivals celebrated by them are *Chait parab* (*Giagige*) in the month of March-April for first eating of mango and annual hunting, *Bondapana parab* (*Gerusugige*) in the month of July-August for first eating of bamboo shoots and attending dormitories, *Diwali parab* (*Genarsungige*) in the month of October-November for a bumper crop, *Pus Parab* (*Sumeglirak*) in the month of December-January for a better harvest and protection of crops from the depredation of wild animals, *Magh Parab* (*Susugige*) in the month of January-February for the first ceremonial eating of new rice and for selection of village functionaries.

Being tradition bound, the Bondo society is governed by its own customary rules and usages to a large extent. Each and every village acts as an

independent political unit for its internal administration of law and justice. They have their traditional village council both at the village level and at the inter-villages level. This traditional village Panchayat under the headman ship of a secular head called *Naik* is the most powerful body responsible for effecting punishment to deviants for maintenance of peace, harmony and stability among the community members.

The *Naik*, who heads the council of office bearers, is an important man in the village. He enjoys high prestige and enough power similar to that of a judge. His post is not hereditary, rather, made on selection by the villagers. He holds his terms of office for a period of three years ordinarily. But if his works are not found satisfactory, he can be impeached even before the expiry of his term and for his good works, he can be rewarded by one more term of office. This indicates their belief in democratic values that govern the mode of selection to such highest and rewarded post. *Challan* is the chief secular assistant of *Naik*. Unlike the post of *Naik*, his post is ascribed. But some procedure is followed for his selection. *Barik* is the village messenger who belongs to a Scheduled Caste community.

Above the village body, there is a *Barajangar* confederacy with its headquarters at Mudulipada under the banner of *Patkhanda Mahaprabhu*. The headman of such confederacy is called *Bad Naik* who is selected from among the *Naiks* of these twelve villages during the *Susu Gige* festival.

The village council sits at a place called *Sindibor*, the common meeting place of the village. In the village, *sindibor* is located either centrally or at any convenient place under a shady tree and represented by horizontally placed stone slabs. Apart from its chief function as village *Darbar*, this place caters to multifarious socio-religious needs of the Bondo.

Due to the independent and carefree attitude of the Bondo, the individuals prefer to act on their own without following the group behavioural pattern. The traditional political organizations have to face an uphill task to regulate the conduct of such individuals. These political organizations are gradually losing control over the community. And now, with the introduction of Panchayat Raj system, a new kind of leadership has emerged and it further disintegrates as well as disrupts the traditional village organizations.

The hallmarks of economic life of the Bondo are their pre-agricultural level of technology, gender based division of labour, cooperative labour, communal ownership of land under shifting cultivation and barter system in marketing transactions. The Bondo practise shifting cultivation extensively and settled cultivation in a limited scale. Food gathering forms their major secondary activity followed by animal rearing. The lands, which are put to cultivation, can be classified into four different types, such as wetland or low land (*ivang*), dry land (*pada*), swidden land (*liung*) and homestead land (*dinabui*).

The people themselves have made the low land into irrigated-terraced plots by utilizing their traditional skills and technology. It is very fertile in comparison to other types of land. A long duration paddy is grown in these lands once in a year through transplantation method. In dry land drought resistant crops of millets and oil seeds are grown by broadcasting method. In swidden plots varieties of minor millets, pulses are grown by slash and burn method. The kitchen garden is mostly used for cultivation of seasonal vegetables.

Apart from agriculture, they rear varieties of cattle, such as cow, bullock, buffalo, goat, pig and poultry birds. The former three types are used as draught animals. The cattle are also used as sacrificial animals during the observance of different socio-religious festivals. At the time of scarcity of food, these are sold for cash or kind. Cattle sheds are constructed near the dwelling huts to provide shelter to the animals.

Forest collection becomes round the year activity of the Bondo, which includes both edible and inedible materials. Forest provides them with food, fodder, fuel and construction materials. Among them particularly the women and young children are engaged most in such collections. In their quest for food, some time is also spent on hunting, trapping and fishing. Several rituals are observed round the year with sacrifices in connection with their agricultural and food gathering activities for protection of crops and bumper harvest.

The dietary habit of the Bondo is influenced and regulated by their seasonal collection from forest and harvesting of agricultural produce. Although rice is preferred, gruel prepared out of ragi and other minor millets constitutes their staple food. Although they take rice at times and on different festive occasions, non-vegetarian diet is preferred more than the vegetarian food. The Bondo, particularly the male folk are very much addicted to liquor. They prepare liquor out of all kinds of cereals, millets and even from the fruit like mango. But of all, the sago palm juice (*salap*) is their most favourite drink.

They also smoke and chew tobacco that is either grown by them or purchased from weekly markets. They observe several food taboos and no food is eaten before these are ceremonially offered to different Gods and Goddesses after the harvest.

During Fifth Five Year Plan period under the new strategy for tribal development a micro-project has been set up in the Bondo area with its headquarters at Mudulipada to look after the socio-economic development of the tribe. Due to the sincere efforts of the project personnel many innovations have been introduced in the economic sphere successfully. Besides, infrastructure development in the fields of road communication, electrification, etc. has also been taken place in the area. Above all, the Bondos are now becoming change prone both in their attitude and outlook.

FAMILY

The basic institution of every human society from the most primitive to most complex and modern is the family. G. P. Murdock (1949) defines family as "a social group, characterized by common residence, economic cooperation and reproduction. It includes adult of both sexes at least two of whom maintain a socially approved sexual relationship, and one or more children, own or adopted, of the sexually inhabiting adults". Margaret Mead regards family as "a status giving group, a device by which society defines the social affiliations of the members born to it" (1931:66). Lowie conceives family to be an association established through marriage with socially approved sex relations. He further emphasizes that instability is the basic trait of the family and its constitution often changes due to death and marriage. Levi-Straus emphasizes that the family cannot be treated as self-sufficient as it is exogamous. The family constitutes to be the basic social unit on which depend the growth and structure of the society. The association of individuals begins primarily with the constitution of a family through marriage and birth, which later forms an integral part of the broader social structure integrating with the identity of the society.

Like other tribal communities of the State, among Bondos, family is the basic social unit, thus, forms a cultural infrastructure resting on a biological foundation. In one form or other it is the primary unit of the Bondo society where the customs and practices are put to action. It grows out of biological need and depends for its sustenance on the exploitation of natural resources. It comprises both young and old of either sex bound together by kinship ties and marriage rules. The family functions as (1) a legitimate sexual unit, (2) a controlled reproductive unit, (3) an educational unit and (4) an economic unit, which are essential for survival and perpetuation of individuals. It is an institution, which gives shape and moulds the character and personality of an individual in conformity with the customs, traditions and values of the society through the process of socialization.

Structure, Composition and Type:

Among the Bondo the family is mostly of nuclear type composed of the biological parents and their unmarried offsprings. Joint or extended families are very rarely seen. The ideal structure of the nuclear family often disintegrates due to death and marriage of any individual members resulting in different broken units. Thus, among the Bondo, the nuclear families found under different forms are as follows;

1. Households having husband, wife and their unmarried sons and daughters.
2. Households having husband and wife.
3. Households having only siblings

4. Households having either husband or wife with their unmarried children.
5. Households with single individual members

The ideal form of 'generationally enlarged' or 'extended' families where a man and his wife live with married sons, unmarried sons and daughters; grand children or great grandchildren are not seen among the Bondo. Among them when the parents grow very old or become sick and incapable of doing hard work, it becomes obligatory for the sons to take care of them and provide food and other necessities required by them. The general practise is that the burden of maintenance of the old parents is shared equally among the sons, one keeping the father and the other the mother. They become emotional while saying, "Who else will keep them in their old age, after all they are our parents, they have given us everything, their love, affection and whatever belonged to them; it becomes our moral duty to be with them and look after all their comforts at the old age". Although in Bondo society a son after marriage establishes his separate home and hearth, this does not mean the breaking of the family tie. The family members remain forever attached to one another by kinship bonds, reciprocal economic ties and above all, love affection and emotional feelings by sharing each other's sorrow and happiness. The other reasons, which discourage growth of extended families among the Bondo, are lack of space in the house to accommodate the married sons and individualistic attitude of the Bondo which forces to lead an independent and care free life.

The system of joint family, which is made up of the brothers of one generation, together with their sons in the next generation, or sons of third generations, is not found among them.

During the fieldwork a house-to-house survey was conducted in seven different villages, namely Podeiguda, Mudulipada, Dantipada, Bandhuguda, Badapada, Sileguda and Kirsanipada to find out the family types and composition and average size of household. Table-I gives the total population and average family size of the study villages.

Table-I : Population and Family Size

Sl No	Village	Population			Total households	Family size
		M	F	T		
1	2	3	4	5	6	7
1	Sileguda	31	51	82	23	4
2	Mudulipada	64	87	151	42	4
3	Dantipada	84	96	180	52	3
4	Podeiguda	111	139	250	63	4
5	Bandhuguda	120	136	256	68	4
6	Kirsanipada	124	161	285	79	4
7	Badapada	126	180	306	87	3
Total		660	850	1510	414	4

The above table indicates that the survey covered altogether 414 households and 1,510 populations spread over seven villages. Except in villages like Dantipada and Badapada where the average size of family is 3, in all other villages it is 4. The small households' size is indicative of the fact that among the Bondo the family is predominantly nuclear.

The structure and composition of the nuclear family among the Bondo is given in table-2. The table reveals that out of total 414 surveyed households, maximum number i.e. 224 or 54.08 per cent of households are composed of husband and wife with either unmarried son or daughter or both followed by the category of "households with either husband or wife with their unmarried children" which accounts for 66 or 15.66 per cent of households. Next comes, the category of "households with husband and wife" comprising 58 or 13.04 per cent of the total households. There are as many as 39 households or 9.37 per cent composed of either husband or wife or both with or without children with dependent collaterals or parents. Although the inclusion of the dependent collaterals and parents in the composition of nuclear family does not seem justifiable, that under no circumstances here in case of the Bondo they cannot be taken as examples of extended or joint family.

Table-2 : Structure and Composition of Family

Sl. No	Categories	No of Families							Total
		Sile guda	Muduli pada	Danti pada	Podei guda	Bandhu guda	Kirsani pada	Bada pada	
1	Households with husband and wife.	3	5	16	8	8	8	10	54
2	Households with husband and wife with either son or daughter or both.	9	23	28	34	41	48	41	22
3	Households with either husband or wife with their unmarried children.	4	4	6	7	13	14	18	66
4	Households with only siblings	-	-	-	-	-	-	2	2
5	Households with single member.	-	5	-	5	2	6	7	25
6	Households with either husband or wife or both with or without children with dependent collaterals or parents.	7	5	2	9	4	3	9	39

This is because, sometime when the parents die leaving behind young children, it becomes the duty of the married elder brother to look after them

and arrange for their marriage. After their marriage they usually get separated. In other case, as mentioned earlier the parents in their very old age are taken care of by the sons on humanitarian ground. They are served with food regularly no matter whether they stay with their sons in the son's dwelling house or stay separately in their own hut. In both these cases their stay is temporary and they do not constitute permanent members of the family. Households composed of only single member constitute 6.25 per cent of the total surveyed households. Households with only siblings constitute a very negligible proportion, which is only 0.48 per cent.

Among the Bondo, the family apart from being nuclear is monogamous. But monogamy is not the sole permitted marital form. Although all men have right to have additional wives, yet polygynous families are very rare among the Bondo. During the survey only six polygynous families were reported out of the total 414 surveyed families. This means that monogamous marriages actually predominate in Bondo society. Among them, those having sufficient personal economic resources can obtain second wife, not for sexual enjoyment but to increase the status of the household. However, it would not be correct to say that wealth is the only factor involved. Bengt Danielsson, an anthropologist has put forth his views that "in the first place, there are great individual variations in the strength of the sexual impulse, so that for many people one partner is simply not enough. In the second place, certain people, for example, captains of industry, politicians, large land owners, etc. have very heavy social economic duties which are often too overwhelming for one unfortunate wife." (1957:275) Among the Bondo, a man may also go for a second wife under certain conflicting situations for keeping his prestige and to satisfy his ego. Here the factors like wealth and sex have no role to play. Among the Bondo all secondary marriages are often performed capturing either a divorced woman or a widow, but rarely an unmarried girl as it involves a higher bride price. But in the past, a married man too may go to a girl's dormitory and court a girl if he intends on marrying a second wife, which is of very rare occurrence at present.

Case Study -I:

In village Mudulipada, one Y. Muduli, son of S. Muduli has two wives. He first married a girl named, G. Toki of village Gopurpada by paying the required amount of bride price. She is now the mother of one son and one daughter. Y. Muduli has more swidden, dry and wetland and he is considered a rich man of the village. He was not looking after the cultivation of these lands properly due to lack of adequate manpower. In Bondo society a woman is considered as one of the most valuable contributor to family economy mainly because she is very laborious and hard working. She works hard both at home and in the field and her contribution for the economic well being of the family is enormous. Therefore, Y. Muduli resorted to second marriage and captured one K. Toki, a divorcee of village Badpada. She gave birth to a daughter. Y. Muduli has constructed two separate huts for his wives. Although they are staying separately

with separate kitchens, they are pulling on well like sisters. His first wife G. Toki has no blame for her husband neither she has misunderstood him as she feels that the situation has necessitated her husband to accept a second wife.

Residence Pattern:

The rules of residence in any society shape the composition of household. Besides, various other factors, such as economic and inheritance pattern influence the location of marital residence. Among the Bondo, this issue is established by custom and does not allow individual choice. Among them according to customary rules the residence after marriage is patrilocal and neo-local. After marriage the newly wed couple lives in the same village where the husband's paternal relatives live. This mean that a woman consequent upon her marriage breaks all ties including her *kuda* (clan) affiliation with her family of orientation and comes to stay with her husband in a newly built hut. Besides, by virtue of her marriage she is automatically admitted to the *kuda* of her husband. The patrilocal residence pattern helps a Bondo man to keep close relationship with his paternal kin groups which give rise to a kind of group solidarity, based on mutual help and cooperation. On rare occasions the newly married couple, compelled under circumstances to set up residence in another village or locality. Such migration does not deter them in keeping all social and economic ties with paternal kin groups irrespective of the distance and locality where they dwell. They remain in constant touch with their parental kin groups and participate in all the socio-economic activities by contributing their share.

Case Study -2

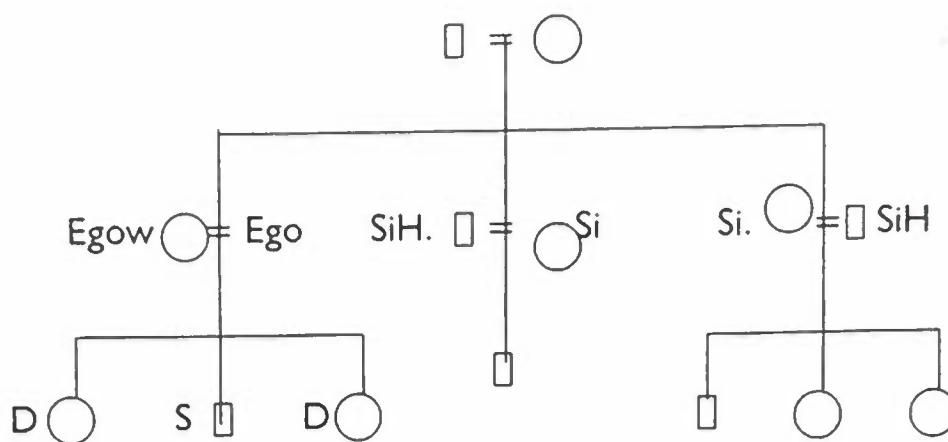
This case study relates to one A. Dhangada Majhi, S/o G. Dhangada Majhi of village Bandhaguda who has settled outside his own village after marriage. G. Dhangada Majhi has 4 sons and two daughters besides his wife, S. Dhangada Majhi. Two elder brothers of A. Dhanagada Majhi named B. Dhangada Majhi, and L. Dhangada Majhi, have settled in the same village Bandhaguda after their marriage and are pursuing cultivation. But A. Dhangda Majhi has read up to class X in Ashram School of H & T.W. Department located at Sunabeda and now working as a Peon in Mudulipada Ashram School. He has married to one lower Bondo girl named L. Dora Majhi of *Kirsani kuda* of village Kuriguda with whom he had love prior to marriage. After marriage his wife did not want to stay in the village Bandhaguda in the same surroundings where the kinsmen of A. Dhangada Majhi are living. Since she belongs to lower Bondo group she is relatively advanced and modernised in comparison to upper Bondo girls. She wears *sari*, blouse and other undergarments and has kept long hair unlike the upper Bondo girls. On her persuasion and with the approval of parents, A Dhangada Majhi purchased a piece of land located behind the rest shed at Mudulipada from one S. Majhi on payment of Rs.1040/-. But the land is yet to be registered. There he has constructed a house where he and his wife are now staying. In front of the house he maintains a kitchen garden and the entire plot is fenced. A. Dhangada Majhi said that although he is staying at a little distance from his parental village

Bandhaguda he and his wife have kept cordial relationship with his parents, brothers and other kinsmen.

Descent

The Bondo society, like many other human societies is organized on the principle of unilineal descent, which emphasize the father's side of the family. The family is patrilineal, in which the members claim their identity through descent reckoned in the father's line. The descent is traced from father to son and son's sons through the male line.

Patrilineal System



F	=	Father
M	=	Mother
Si	=	Sister
SiH	=	Sister's husband
Ego	=	Reference Individual
Egow	=	Wife of reference individual
S	=	Son
D	=	Daughter

Under the patrilineal descent system, a Bondo male inherits his name, property, liabilities, family secrets, social status from his father, but at the same time he does not ignore his biological relationship to his mother and mother's relatives. The latter are regarded as affinals and not treated like strangers and non-kins. They are not as important as lineal kins since, a man owes for his socio-economic obligations and political support to his relatives on the father's side. To a Bondo patrilineal kin membership is a matter of social heredity achieved by birth only but not by any other means. By virtue of his birth in a particular family a man acquires the biological as well as a social descent. He becomes the legal heir and inherits everything possessed by his parents.

Authority Structure:

In patrilineal and patrilocal societies, as that of the Bondo, the male members enjoy a considerable freedom, liberty and authority both in the management and decision making process at the family, clan and village levels. In the family, the senior most male member is vested with the authority to act as the head of the household. Hence, among the Bondo, the family is patriarchal. The father enjoys such privileges till he is alive and after his death the eldest one becomes the head of the family. As head of the family he controls family budget and takes important decisions in the matters of settlement of marriage proposals, property transactions and observation of birth and death rituals. Although he has the power to take decisions ignoring the views of other adult members of the family, yet while taking decisions views of other members particularly that of the wife is given due weightage and regard. He works hard and shoulders higher responsibilities for the well-being and economic upliftment of the family. He is always on the look out for raising the standard of living of the family. He represents his family in outdoor functions and external affairs. In his absence no one can take any decision concerning family matters. He receives due respect and proper attention from other family members and his decision, right or wrong, is obeyed by one and all in the family ungrudgingly.

The father being the head of the family, the guardianship of minor children is vested with him. He always keeps watch over the children and regulates their activities. His dominance and authority continue even when he grows very old, but gets transferred to his eldest son when he is not mentally sound on account of certain physical and mental disorders.

Functions of the Family:

As mentioned elsewhere in this chapter the family among the Bondo functions as a reproductive, consumption, production and educational unit.

One of the most basic and important functions of the family is to provide legitimate sexual outlets for the adult members. The children born out of such legalized sexual unions contribute to the growth and existence of the society. The sexual tie acts as a kind of binding force and helps the adult members to remain united emotionally by sharing each other's sorrows and joys. Generally in the tribal societies, the father exercises guardianship over the children till they become major. At this stage the boy is partly independent and when he establishes his new home and hearth after marriage, he becomes fully independent. But in the Bondo society the parents continue to exercise control over their children even after their marriage up to a certain period. According to their custom, generally a boy of 8 to 10 years age marries a grown up girl of 16 to 18 years age. Although they live separately in a new residence, the boy who is still a child is not strong enough to perform the heavier works

concerning different economic pursuits independently and depends fully on the parents for his food requirements without contributing his quota of labour input. Nevertheless, he and his wife assist his parents in different economic activities. Because of the economic dependence on the father, the boy does not enjoy any liberty, rather remains under control of the father till he attains adulthood. On the other hand, the wife who is grown up and in her blooming youth fails to enjoy sex with her husband and waits for some years when the latter becomes physically matured. During this period considering the possibility that she may go astray and indulge in illicit sex, the mother-in-law always keeps her under strict vigilance by dissuading her to refrain from such clandestine involvement.

The family serves as a unit of economic cooperation. It functions as both production and consumption units. The family members under the guidance of the father always try to maintain a balance between production and consumption. Whatever is produced is consumed leaving hardly any surplus. However, there are few families among the Bondo commonly known as *Sahukars*, who have surplus produce to lend owing to their possession of more land. In the family, all members irrespective of sex and age barring the small kids contribute to the economic well being of the family. The adults perform heavier works and the younger ones do lighter works. During certain agricultural operations, like transplanting, weeding and harvesting even the children hardly find any time to play. Such activities are done on cooperative basis when the lineage members participate on rotation.

Division of labour based on sex is strictly followed among the Bondo. Generally, men do strenuous and arduous works like ploughing, tree felling, setting fire in the swiddens, construction and thatching of houses, preparation of agricultural and hunting implements. The women exclusively attend to all types of household works besides being engaged in collection of edible forest produce and firewood. Both commonly share all other works. The children immediately after their infancy are persuaded to assist their parents in different works suitable to them.

Among the Bondo, the family functions as an institution of socialization of children. The parents not only care and rear children, but also more importantly they guide children while they learn to obtain their own living in conformity with the customs, traditions, ideals, values and attitudes. The child grows in close association with adult members in the family and in his attempt to get along with others develops basic personality structure. To a child the father represents a model of adult male behavior and mother a model of adult female behavior. By observing the behavior of his father, a male child learns what is expected of him as a man, husband, father and a member of the society. Similarly, a female child learns what is expected of her as a woman, wife and mother by observing her mother. In the family through the process of

socialization and enculturation the child gets the basic informal training and learns to regulate his/ her behavior in terms of family concept to become a responsible member of the society. Thus, through a rigorous training in the family from infancy to adolescence period, the child on attainment of adulthood finds it easier in making successful adjustment to society as a whole.

Intense love and affection, mutual help and cooperation closely knit the family members and held them together under one roof. Every one in the family is attached to one another by emotional bond sharing each other's happiness and sorrow. Wife is the prized possession of her husband, whom he has selected in the *Selani dingo* and for a woman too her husband is the most handsome and best of all the men she had ever come across. Both husband and wife love each other and keep close company with one another during the days of misery and happiness. They respect each other and efficiently discharge their responsibilities towards one another and other family members to their fullest satisfaction.

The love and attachment between husband and wife and the rigidity of marital bond between the two is in fact so deep that the wife does not desert her husband even when the husband is imprisoned on life sentence due to his involvement in any crime like the murder case.

Children are considered gifts of God and on attainment of parenthood they burst into joy. Be it a son or daughter the child is brought up with utmost care and fondness. The children are served with best available food in the home and more frequently than others. They are seldom rebuked or beaten for their notoriety. On the other hand, the children are also very obedient, show deep respect to the elders and assist their parents in different works both in and outside home. In this process they acquire skill and expertise in different avocations, which enable them to lead an independent life later on.

Status of Bondo Women in Society:

The women in Bondo society enjoy a very high status on account of their hard work and sustained efforts for the growth and maintenance of family in particular and society in general. They are not only held in high esteem but also considered as an equal half of men. When a girl child comes out of her mother's womb and passes her infancy stage in the lap of her mother, she rises to the occasion and engages her tiny hands in some work or the other which contribute to the economic upliftment of the family. She is an invaluable asset to her conjugal family and after marriage when she leaves her family of orientation with tears in her eyes she pays back the price to her parents of being born to them and nourished by them as according to the customary practice the payment of bride price is associated with marriage. There in the new surroundings amidst alien persons she never shrinks; rather, in the company of her child and husband, toils hard to lay the economic foundation of her family procreation.

A Bondo woman in her traditional dress and ornament looks beautiful and majestic and excels all other tribal women. She appears to be a unique specimen of femininity with full of aesthetic sense exhibited in her style of putting costumes and body decorations. It is worthwhile to quote here Neville A. Watts who has very vividly described the dress and ornaments of a Bondo woman. As he writes, "the ornaments and dress of a Bondo woman is distinctive. Encircling her shaven head are two or three fillets of palmyra palm and several rounds of cord. Into these may be stuck leaf pipes, a sickle, or, when in gay mood, flowers. From a small ring passing through the upper rim of the ear, hang pendants of a few brass chains, while in the lobe of the ears are brass buttons. Her neck is loaded with several circular collars of brass and one or two nickel wires, joined at the back. In addition to these, a profusion of brightly coloured bead necklaces and one or two brass necklaces reaching her waist creates the illusion that she is over dressed. Bracelets of aluminium adorn three quarters of her lower arms, and she may wear several rings on her fingers. The mini skirt is home woven and patterned in vertical candy stripes. According to custom the skirt has fixed dimensions (90 by 26 centimeters). In most cases, dimensions are far too small with the result that the skirt does not meet around the hips and gives the appearance of being split up one side. Moreover, it hangs low over the buttocks so that the upper part remains uncovered. A brass chain or two cords of beads serve as girdle. It is passed around her waist, over the skirt in front and around the bare skin at the back. She wears no pubic cloth and when she squats. She shields her modesty either by the masses of beads that fall over the knees or by maneuvering her skirt to meet the exigencies of situation. (1970; 73-74)". To some the Bondo women may look ugly at first sight because of their unconventional appearance and shaven head, but such illusion disappears from the mind soon when they get accustomed with their charming personality and pleasing behavior. For a Bondo, physical appearance has nothing to do with the beauty of a lady. As Elwin puts it, "For us (the Bondo) our women are the prettiest. It is when a girl puts on a new bright coloured cloth and many ornaments that we think her beautiful. Beauty is not in the body but in the ornaments". (1950:14). The custom of shaving head and wearing scanty clothes by women is deeply rooted in their culture backed by a popular myth. Briefly the myth is narrated as follows:

During the epic times, goddess Sita in the company of Lord Ramachandra and Laksman were camping somewhere in the present Bondo country while undergoing banishment for fourteen years. One day a group of Bondo women surprised the Goddess while she was bathing in complete nudity in a spring called *Kapurchua* located close to the village Mudulipada. They laughed at her on seeing Sita naked. Goddess Sita felt awkward and insulted and was so enraged that she put a curse of complete nudity with shaven head on them. The Bondo women realized their mistake soon and apologized before her to withdraw the curse. Goddess could do nothing as the curse could not be withdrawn but tore a piece of cloth from her apparel and gave them to conceal their nudity. Since then the Bondo women are putting on a piece of scanty cloth and shaving their head'.

Their unusual appearance on account of shaven head is shadowed under massive ornamentation, and the women exhibit a stature of rare personality. Life is not a bed of roses for them. They work hard both at home and outside to provide economic support to their male counterparts who often idle away their time under sago palm trees in a drunken state. In case of some families where the husband is imprisoned for life or so under the charges of murder, the wife shoulders the entire burden of maintaining the family by discharging the dual role of father and mother. It is for their devotion and commitment they always occupy a special place in the hearts of men.

On the whole, a Bondo woman is not merely a sexual partner of her husband; she is a faithful and obedient wife, an efficient house manager and an affectionate mother.

MARRIAGE

There is no human society currently in the world known to practise promiscuity. Societies impose certain limitations on sexual activities and such injunctions vary from culture to culture to regulate mating and reproduction. Marriage is an institution, which lays legal foundation for the family. "Marriage is the complex of social norms that define and control the relations of a conjoined pair to each other, their relative, their offspring, and society at large. It includes all the institutional rights, duties, and privileges of the pair as husband and wife. It helps shape the form and activities of the group known as family." (Hoebel:1979:368). Marriage should not be equated with mating as the latter means pairing of individuals of opposite sex for the purpose of sexual gratification, which carries no legal sanction, whereas marriage accords legitimacy to the status of husband, wife and their offsprings.

Marriage is the most remarkable event to a Bondo during his lifetime as his cherished dream comes true by acquiring a mate. Marriage confers on them the social sanction to indulge in legitimate sex among the marrying couples while living as husband and wife. Besides, it brings them the challenges of certain new roles as father, mother, husband and wife to play. It is a kind of indissoluble bond between husband and wife backed by supernatural sanction which does not break ordinarily, as only death of either of the partners can break such a tie.

Marriage Rules:

Bondo society is influenced and controlled by three sets of relationships, that is, the relationship of a man with his village community, the relationship with his *soru-bhai* and the relationship with his clan/*kuda* members. Based on these affiliations the Bondo rules of marriage are framed as well as regulated.

The Bondo villages are almost like sacred entities with well-defined and demarked boundaries. The members who live in these villages constitute somewhat unified group interwoven by social ties. The village boundaries are not only sealed by the magical spells but also guarded by the benevolent spirits and deities who, however, move while keeping constant watch over the villagers. These spirits and deities ensure safety and welfare of the villagers and therefore, a Bondo while at home always feels safe and secured. This sacramental fellowship between the members of a village backed by moral and religious values force them to lead a disciplined life and maintain brotherhood, thus, making the village an exogamous unit. The boys and girls of one village belong either to single *kuda* or several *kudas* who are attached to one *sindibor*

(village meeting place) are treated as brothers and sisters. Marriage cannot take place among them under any circumstances even under the rule of clan exogamy. To a Bondo all women in the village are like his mothers and sisters even though they belong to different clans, and he never ill-treats or cuts jokes with any of them which he may do so with women of other villages belonging to different clans. For strict observance of the rules of the village exogamy, the Bondo society does not permit the boys of one village to visit the *Selani dingo* (girl's dormitory) of the same village in the evening as such visits may lead to marriage with some one else. Such union is viewed very seriously and regarded as incestuous. Both Verrier Elwin and Haimendorf in their writings on the Bondo have mentioned about certain exceptional situations where the law of village exogamy is not followed very rigidly. According to them when the village contains a body of immigrants who have not fully integrated with the original village community and who for all ritual purposes maintain a separate entity, then, marriage with such groups may be possible till that immigrant group is fully affiliated to the community.

Like village exogamy, the Bondo also observe *soru* exogamy strictly. *Soru* is a Tamil word for 'food' but to a Bondo it is a kind of sacred food offered ceremonially to *Patkhanda Mahaprabhu*. According to their custom, those who are entitled to share such sacred food are treated as brothers; therefore, marriage among them is not possible. Initially members of two villages, namely Mudulipada and Dantipada were sharing *soru* relationship among themselves. Subsequently due to population increase the village Mudulipada gave birth to two more hamlet-villages, namely Podeiguda and Bandhaguda, the members of which now also share *soru* with the inmates of Mudulipada and Dantipada. These four villages, which are ritually attached to one another is regarded as *kutum* villages, and as such matrimonial relationships among the members of these villages are not permitted. In the words of Elwin, "A man's neighbours are his *soru bhai* brothers who have eaten the same sacrificial food, a privilege that is rigidly restricted to members of the same village." (1950:24). He further states that, "a woman enters her husband's *soru* group and if she is widowed, she can re-marry someone from her original village." (1950:25).

Apart from *soru*- fellowship, which exists in few villages that forbids marriages among its members, the rules of exogamy is very rigidly adhered to by the members of different *kudas*. The *kuda* or *manda*, which is very much conspicuous in Bondo social system, is nothing but an exogamous patrilineal clan. A Bondo is proud of his own *kuda* and he suffixes the *kuda* name to his own name. The Bondo society is divided into nine different *kudas*, such as *Bodnaik*, *Challan*, *Dhangara-majhi*, *Kirsani*, *Muḡuli*, *Sisa*, *Dora*, *Jigri* and *Mandra*. The latter three clan names are said to be the recent inclusion in the Bondo society. Formerly, the Bondo villages were mostly uniclans in their composition, but in course of time the *kuda* homogeneity of the villages has been lost due to population increase in these villages leading to in and out migration of

households to other villages and incoming of other *kuda* population. It is evident from the nomenclature of the villages that, Mudulipada was the homeland of Mudulis, Kirsanipada, that of the Kirsanis and Challanpada, of the Challans and so on. During the present course of study it was found that all the seven villages are composed of families belonging to different *kudas*. The following table shows the distribution of families under different *Kudas* in study villages.

Table-3
Distribution of families under different *Kudas*

Sl No	Village	Number of families under different <i>kudas</i>									Total
		Muduli	Kirsani	Dhangda Majhi	Sisa	Dora	Babi	Challan	Mardia	Bad Naik	
1	Mudulipada	29	7	5	-	-	-	-	-	-	41
2	Podeiguda	29	23	9	-	1	1	-	-	-	63
3	Sileguda	-	4	12	-	-	7	-	-	-	23
4	Bandhguda	4	4	37	23	-	-	-	-	-	68
5	Dantipada	-	8	-	4	-	-	-	40	-	52
6	Badapada	-	35	-	17	-	-	5	-	30	87
7	Kirsanipada	-	54	-	25	-	-	-	-	-	79
	Total	62	135	63	69	1	8	5	40	30	413

The above table reveals that the uniclans structure of the villages has now completely changed and in each and every village families belonging to more than one clan are found. The village Mudulipada, now, no longer exclusively belongs to Mudulis; there live families belonging to three different *kudas*, namely *Kirsani*, *Dhangada-Majhi* and *Sisa* though in lesser number. Similar is the case with Kirsanipada where 25 families belonging to *Sisa kuda* are living with the Kirsanis.

The members of one particular *kuda* are said to have descended from a common mythical ancestor. As they are related to one another by blood, they are treated as brothers and sisters. The members of a *kuda* mostly function as a corporate group for all socio-cultural and economic purposes. They cooperate with one another during birth, marriage, death, magico-religious celebrations and different agricultural practices. Their group solidarity is revealed through their common ownership of swidden plots and their custom to have their memorials for dead (*menhir*) at one place together away from those of other *kudas*.

Formerly the *kuda* was more or less coterminous with the territorial division. But now under the changed situation, they are very much particular about both village and *kuda* exogamy as a Bondo cannot marry within his own village to a person of another *kuda* since it violates the rule of village exogamy. However, the village Andrahal has exception where marriages have been reported among different *kuda* members living in the same village. This is due to the fact that Andrahal is a very big village where the members belonging to different *Kudas* live in separate wards, and these wards for all socio-religious purposes function as separate residential units.

The next higher division above the *kuda* is the *bonso* (moiety) which divides the Bondo society into two exogamous divisions. These two *bansos* are the Cobra (*Ontal*) and the Tiger (*Killo*). *Bansos* are, as their names imply, totemistic in nature and the members of the *bonso* do not cause any harm to their respective totemic objects. Dr. Elwin in his monumental work "Bondo Highlander" has tried to analyse *kuda* and the *bonso* with reference to the rule of exogamy that controls marriage in the Bondo society. What he envisaged is that the *bonso* system among the Bondo is fundamental and old. The Bondo society was organized along the *bonso* line and other systems like *kuda* came afterwards. He did not find any definite pattern of relationship between the *kuda* and the *bonso*. The genealogies taken by him showed that excepting *Mandra kuda*, which exclusively belongs to *Killo bonso*, all other eight *kudas* revealed dual affiliation, i.e, some of the families of a particular *kuda* belong to one *bonso* while the other families to another *bonso*. This means that no *Kuda* exclusively belongs to one particular *Bonso*.

In the past, the *bonso* exogamy was strictly followed. At that time, the population of the tribe was less and there were few villages. Each and everybody could know his *Bonso* name and the boys and girls were well aware of the fact that for marriage, one has to select a suitable mate from the other *Bonso*. But today, the population of Bondo has given birth to many new villages. Now, people particularly the young generation hardly remember their *Bonso* name. Therefore, the *Bonso* today does not serve as an exogamous unit. Even Elwin during fifties has also rightly observed such phenomenon. He mentions, "...are these moieties are really exogamous? There are here two problems to be considered. In the first place, as we have seen, Bondo society is divided by three different systems of exogamy, each independent of the other. The rule against marrying within the *Soru* fellowship of the village is the one most strictly observed; the division into nine *kuda*/clans is less carefully obeyed; but still seems to exert considerable influence; *Bonso*-exogamy, however, has largely broken down" (1950:34).

Another ritual relationship known as *Moitor* or *Mahaprashad* that exists at the family level forbids matrimonial alliances between the two concerned families. It is a kind of ritual alliance between two persons of similar temperament based on affection, mutual help and support. Informal and casual friendship between two souls, in course of time if develops into a very rigid bond, then a permanent shape is given to such relationship when they call each other as *Moitor*. Once such ritual bond is established the *Moitor* friends do not call each other by name and the friendship between the two-*moitor* families continues for generations. This ritual friendship is very limited in Bondo society, as the establishment of such friendship is nevertheless, very expensive. Marriage between the members of the *Moitor* families is not permitted according to their custom. However, a *Moitor* has to offer ceremonial gifts in

the marriage ceremonies of his ritual friend's family. *Moitor* friends exchange visits to each other's house at different socio-religious functions. In such visits gifts of liquor and food are exchanged between the two friends. The *Moitor* friends usually stand behind each other firmly and provide moral and physical support at the time of need.

The *Moitor* friendship becomes formal after the ceremony of covenant is observed. The *Disari* performs a small ritual after the two friends are allowed to sit on an altar specially prepared for this purpose. In front of witnesses who attend the function, two friends take a vow before the *Patkhanda Mahaprabhu* to become the *Mahaprasad* of each other. Thereafter, they are publicly recognized as *Moitor* of one another.

Age at Marriage:

Unlike many other tribal groups among whom the adult marriage is in vogue, the Bondo follow a peculiar custom with regard to determination of age of marriage for boys and girls. As per the custom, a boy of 8 to 10 years of age marries a girl of 16 to 18 years of age. This indicates that the boys in their society marry when they are still child and the girls, when they attain puberty and become adult. The society does not take into account such factors as maturity and adulthood, capability of maintaining a family and sexual capability etc. for a boy while considering his fitness for marriage. But, on the other hand, a girl is fit to marry when she attains puberty and capable of doing all household works and agricultural activities required for sustaining the family. The explanations to the custom of marrying the minor and unmatured boys with the matured girls mostly come from the women folk when they say that a boy becomes old when he develops beard and mustache in his face and we do not like to marry the old boys. Such explanation though seems unreasonable yet it has some bearing on the social system of the tribe. A Bondo girl, who loves freedom and likes to have an obedient and faithful husband, finds it possible, when she selects a life partner younger in age to her. During the initial years of marriage she virtually acts with some kind of authority, as the husband is dependent on her in all matters. During these years she becomes the friend, philosopher and guide of her husband and in such a situation she could be able to mould the character and personality of her husband to her own liking and way of thinking and way of doing things. Another view given by N. Patnaik and others regarding the cause and effect of older girls marrying younger ones is based on economic considerations. They write, "One common explanation which is given about this peculiar practice of a young boy marrying an older girl is that the husband will still have working capacity to earn his livelihood and maintain his family when his wife has grown old." (1984:47)

Haimendorf quoting the opinion of some of the Bondo ladies writes ".... Such uneven matches were of the girl's fun makingthey like marrying small boys; for them we have young husbands to work for us when we are old.

This is probably only half the truth and a stronger motive may be the girl's desire to prolong the happy days in the dormitory, for young wives of immature boys continue to sleep in the *Selani dingo* and there they no doubt find compensation for the lack of marital bliss. Not all young men, however, are eager to intrigue with other boy's wives, for if such an affair becomes serious the young husband's relations are likely to demand compensation."(1943:172)

Pre-marital Sex:

To a Bondo sexual experience prior to marriage is considered to be a very serious matter. Their customary rule is so stringent that a boy or a girl cannot think of indulgence in such an act before marriage. The boys and girls enjoy considerable freedom in their society. What to speak of pre-marital sex, they do not even indulge in indecent joke with one another. Verrier Elwin who had denied prevalence of pre-marital sex among the Bondo went on to say that the boy and girl who spend the night together in the dormitory have the experience of unconsummated sexual excitement. Such excitement never leads to sex as the girls who are most conscious of the two would never like to have it. "To them sexual intercourse in the premarital period implies a serious intention; it is most equivalent to a betrothal"(1950:71,72). Apart from the fear from anger of supernatural being, the girls apprehend that such involvement would lead to an unsuccessful married life in future. As they do not like to enjoy sex secretly and go astray, they put a definite limit to the liberties allowed to the boys, and the latter being younger to them never insist upon for such act. Furer Haimondorf who had visited the Bondo country during forties has mentioned about the rare occurrence of premarital sex among them. As he puts it, "The Bondo believe that occasional intercourse in the girls dormitory does not lead to pregnancy; only if a boy and girl live together for a year or two will they have children" (1943:170). Commenting on the attitude of the society on pre-marital pregnancy further he writes that, "But even pregnancy resulting from adventures in the *Selani dingo* is not very great misfortune: most likely the girl's lover will marry her, but if he does not neither he nor the girl will draw upon themselves a fine or any other unpleasantness. It is said that in such a case the girl has no difficulty in finding someone else to marry her and accept the child as his own. In neither event are the wedding ceremonies hurried, for there is no objection to the child being born in the house of the girl's parents". (1943:170-171). But during the recent past the Bondo culture has undergone a noticeable change due to their constant interaction with the neighbouring caste Hindus and other tribal groups and as such, whatever liberty was allowed to enjoy sex before marriage has been completely withdrawn. Now the society gives more emphasis on the chastity of the girls prior to their marriage.

***Selani dingo*: The Matrimonial Agency:**

It is worthwhile to mention that no other tribal society in Orissa has granted freedom to such an extent to their youths as enjoyed by the Bondo for

the selection of spouse. A Bondo youth enjoys complete freedom in selecting his/her life partner. Neither the parents nor any relatives try to interfere in such a matter. Rather, they believe that children will lead a happy married life if they themselves choose their life partners. For such mate selection which demands mixing of the boys and girls in order to enable them know each other and get acquainted with their respective habits, likes and dislikes, above all, develop love and affection with one another, the society has provided a common meeting ground in each and every village called *Selani dingo*, the girls dormitory, which serves as a matrimonial agency. This is culturally unique.

Every Bondo village has two dormitories, one for the boys (*Ingersin dingo*) and the other for the girls (*Selani dingo*). Unlike the boy's dormitory of other tribal societies which perform multifarious functions such as meeting place for the elders where all important matters concerning village affairs are decided, guest house for the strangers and outsiders, recreational center for the promotion of art and craft, dance and music, the *Ingersin dingo* of the Bondo plays a subsidiary role to the *Selani dingo* by becoming a sort of base camp for the boys. It may either be a separate hut or an annexe of a well-to-do person, but its presence is not very conspicuous for its smaller size and wretched condition. Most of the time it remains deserted and unattended, but during bad weather and unpleasant seasons the boys assemble there before they set out to visit the girl's dormitory of other villages. Besides, it serves the purpose of sleeping room of those unmarried boys who are not permitted to spend night under their parent's roof.

On the other hand, the *Selani dingo*, the dormitory of the girls serves as an important centre of social life for both boys and girls. Among the Bondo the girls use two types of structures. The former type is a pit of about 10 ft. deep covered over with a roof made up of bamboo frame and thatched with leafy branches and pounded earth. The recent type is a small house constructed on the ground attached to a house or situated at a corner place in the village. Now-a-days, the former types of pit-dormitories do not exist at all. During the construction work of such house, the boys help the girls in their own village but once the construction is completed, the boys are not allowed to enter into the house. It is a taboo for the boys to visit the girls' dormitory in their own village.

As described earlier, the Bondo boys and girls enjoy utmost freedom in selecting their respective life partners. But at the same time, they do not forget to follow the customary rules of marriage prescribed by the society. A boy not only keeps himself away from the girls of his own village, but also avoids courtship with any girl of his own *kuda* or *Soru-bhai* group of villages. Therefore, the boys of one particular village visit the girl's dormitories of those villages with which matrimonial relationship can be maintained.

The dormitory life of a girl begins when she attains the age of 8 to 9 years. The *Selani dingo* blasts into activity mostly during rainy season in the evening every day when the unmarried girls charmingly dressed eagerly await to welcome the boys of other villages. The boys with their best of dresses walk many miles in a cheerful mood covering ups and downs of natural terrain through the dark and the rain to reach their destination. While walking in the rain they use leaf umbrellas and country-made raincoats. It is a rare sight to watch, when they greet each other with smiles on their face. Being overwhelmingly emotional, they look at each other at the first sight that marks the beginning of love and fun. The girls entertain their guests with food and drink and in turn the boys give them hand made presents, such as bamboo combs and plaited grass or Palmyra hair bands. The boys also bring tobacco for the girls. They chitchat and get themselves introduced to one another. Till late in the night they engage themselves in making fun, gossiping, playing and singing. In the morning the boys come back to their village making good-bye to their girl friends with assurance to meet once again in the evening. Visit to girl's dormitory continues days after days and most of the evenings are spent on songs and games and in this way they become friends. Gradually, in course of their visit, friendship deepens; emotional attachment results in love among the like minds. For a boy his beloved must be beautiful with a smiling face and for a girl her lover must be young and handsome with good physique. In the *Selani dingo*, there is no room for sexual intercourse for the lovers. The girl who is elder than the boy shows utmost restraint on her desire and likes to remain chaste till her marriage is consummated. Moreover, the old widow who lives in the *Selani dingo* with the girls always ensures that the rules of dormitory etiquette is not broken by any one of the inmates.

The most common and popular entertainment in the dormitory is the alternate songs, during which two boys sit opposite to equal number of girls and sing song in turn in tune with melodious and pleasant music. In these songs a boy tries to impress upon the girl of his choice not only by addressing her as my sweet heart, my queen, my bulbul, etc but also he allures her by telling that if she will marry him he will take her to different places and fulfill all her desires and look after her comforts. In course of interaction, the girl comes to know more about the boy of her choice, his land holding position and capability to maintain her after marriage, etc. When love intensifies and overcomes all hurdles and the boy is sure that his proposal for marriage is likely to be accepted by the girl, he then holding the middle finger of the girl puts a brass bangle on the palm. If the girl accepts the gift and puts it on her arm, it implies that she is willing to marry him or else, she may immediately throw it away to indicate her denial for marriage. Therefore, love making in all cases does not necessarily end in marriage. Only a few succeed in such attempt. Among the successful cases, such an engagement is not obligatory, they are at liberty to change their mind at later period and marry someone else. Those boys who become unsuccessful in finding their life partners in a particular dormitory may

move to girl's dormitory of other villages. Therefore, visit to girl's dormitory is very vital for the Bondo boys and girls, as this not only provides a forum for merrymaking and entertainment to these youths, but also helps strangers to become lovers and lovers to become life partners. A Bondo always remembers the sour and sweet memories of his dormitory experience throughout his life.

Types of Marriage:

Among the Bondo, two types of marriage are met with;

- (1) Marriage by mutual consent (*Sebung*)
- (2) Marriage by capture (*Guboi*).

Of the two types, first one is considered to be ideal and prestigious in the society. Most of the marriages performed are of *Sebung* type, though instances of *Guboi* are not rare.

(1) Marriage by Mutual Consent:

This type of marriage, where everything is regular and socially approved, is very complex, elaborate and expensive; rather, it is more or less a rich man's affair and a poor man's dream. Negotiation is a mere formality in such type of marriages, as legitimate pairing of boys and girls have already been made in course of their dormitory visit. When dormitory visit comes to an end, the parents of the boys and girls keep on guessing about the lovemaking and mate selection by their children until they are informed about the same. On being informed, they wholeheartedly accord their approval to the choice made by their children. This marks the beginning of observance of different rituals connected with marriage.

After preliminary discussions are held with the *Kuda* members, such good news is communicated to other members of the village, to *soru-bhais* and relatives of other villages. On a fixed day a small party from the boy's side consisting of his friends and relatives goes to the girl's village to bring her for a visit to her future husband's house. On their arrival, they are received cordially in the girl's house, but they do not take anything in her house. The girl as usual first refuses to accompany them, tries to hide herself somewhere, but ultimately comes with the visitors accompanied by one of her close friends of similar age to the house of the betrothed. She never eats in the boy's house, rather gets food from friends and sleeps in the girl's dormitory. During her stay, which last for three to four days, she performs certain domestic works as entrusted by her would be in laws to test her capability, patience and endurance. These works may include fetching water from hill streams, husking grains, catching fish, fetching wood, etc. Thereafter, she returns home with gifts of rice in the company of her would be husband and his friends. The boy is greeted by his would be father in law on his arrival and treated with greatest respect and honour. He neither takes food nor sleeps in the girl's house. He

sleeps in boy's dormitory and takes food from his friends. He has to work in the field to prove his skill in hoe and plough cultivation. After three days, the boy returns home.

After a fortnight or a month, such visits are repeated once more and during this time the boy and the girl eat in their respective in-law's house, though they sleep in the dormitory and precisely perform the same function. This marks the end of betrothal ceremony. The marriage may be held in the month of Push (January-February) of the same year or may be postponed for a year to allow time to both the parties to arrange for the marriage expenses. On account of such postponement also the boy and the girl may resume dormitory visit during the next rainy season if they so like.

Marriage is celebrated with pomp and gaiety, which entails among other things such as slaughter of a buffalo in a very peculiar manner. On an auspicious day fixed by the *Disari*, the village astrologer and the boy's parents carrying with them several pots of cooked food and rice beer go to bring the bride. The food and drink are served to the bride's relations present there who in turn entertain the guests with same type of food. In the same evening or in the following day, the groom's party returns with the bride who brings with her a basketful of cooked rice, meat and beer for distribution among the boy's relations. The girl on her arrival is cordially received by her mother-in-law who sprinkles turmeric water on her feet and gives a mark on her forehead with a paste of unboiled rice. Just before she is taken in, she receives gifts and blessing from the relations of the boy. The village priest and *shaman* who are present there also bless her. Then, the boy is forcibly dragged into the same room where the girl is previously put by some of his close friends who then lock the door from outside. The bride and the groom being ashamed, try to come out of the room by pushing the door from inside. When they become unsuccessful in the attempt and the bride cries loudly, the door is reopened. This temporary confinement is a vital aspect of Bondo marriage, which gives the boy and the girl social recognition to live together as husband and wife. Finally, a feast is arranged by the groom's family to entertain all, which include *kuda* members, *sorubhais*, *moitor* friends and relatives present on the occasion.

Generally, the well-to-do people arrange the feast quite sumptuously by killing buffaloes. Sometimes before the wedding, the maternal uncle (mother's brother) of the groom escorts a buffalo pulled by a Dom to all the villages where the relatives, *sorubhais* and *moitor* friends of boy's family reside. Before the procession, the buffalo is fed rice, beer and garlanded by the groom's family. While it is taken around, the target families again feed the buffalo and its escort. On the day of wedding, soon after the bride is brought to the groom's village, men, women and children dance round the buffalo by adorning its body with new cloth, flower and turmeric powder. The buffalo is then slaughtered and while it is dying, all men rush at the buffalo with their knives to cut off bits of flesh as much as one can be able to gather amidst noisy

shout and quarrel. In the wild struggle, some may get injured which they never mind. Then the feast is arranged. Sometimes more buffaloes are slaughtered if presented by the maternal relatives and bride's family. In such cases, the maternal relatives and bride's family get some share of flesh of their own buffaloes. A case study is given below to highlight the above facts.

Case Study-3:

Most of the marriages in Bondo society are held through negotiation and love. One C. Kirsani, son of H. Kirsani of Kirsani *kuda* of village Podeiguda has married to one S. Toki of Dora *kuda* of village Bondapada during the year 1985 when he was about 10 to 12 years of age. He said that during his visit to *Selani dingo* of Bondapada with his friends he fell in love with S. Toki. The girl selected him because of his handsome appearance, sober manner and shy nature. The girl first expressed her love to him by pulling his hands and cutting jokes with him frequently in the dormitory. He too was impressed by the beauty and good physique of the girl. One evening while dancing he put the brass bangle on the girl's hand, which she accepted with a smile. Thereafter, he came to know from the girl that she was serving as a 'goti' as she had lost her parents at a very tender age and there were none to look after her. He told his parents about his beloved. Then, his parents made negotiations with the employer of S. Toki, named B. Dora to release the girl. Before the marriage was celebrated, the bride price was fixed. Few days after their marriage, he paid the bride price consisting of one cow, one bullock, one pot of sago palm juice and one pot of rice beer (*pendom*) to the employer of his wife. Now C. Kirsani is living with his family in his own village Podeiguda happily having a daughter of 6 years old. He feels that his marriage to S.Toki could make her free from the clutches of the *Sahukar*.

Marriage by Capture:

This type of marriage is less expensive, less elaborate and simpler than the other types described earlier. The main features of this type of marriage are capturing of a bride followed by parent's consent and payment of bride price. According to Haimendorf, "The capture is usually a mere pretence, for a Bondo girl cannot easily be married against her will and even if taken by force to the captor's village she will run away at the first opportunity unless she likes him and he has won her consent. However, a marriage by capture must be followed by the payment of the usual bride-price." (1943:171,172). In this type of marriage, no buffalo is slaughtered and visits and gifts are reduced.

Generally, a Bondo prefers to acquire a spouse through this type of marriage under the following circumstances.

- (1) When a boy fails to select a girl during his visit to '*Selani dingo*'.
- (2) When a boy grows old in the eyes of the girls due to development of beard and mustaches on his face.
- (3) When a man wants to accept a second wife.

- (4) When a widower wants to remarry for the second time.
- (5) When a physically handicapped person wants to marry.
- (6) When divorced men and women want to remarry.
- 7) When poor and landless persons want to marry who cannot afford to meet the marriage expenses.

In such type of marriage, generally some force is applied on the unwilling girl when she is brought to the boy's village. In this adventure the boy is helped by a group of his friends from his own village. The girl is captured either by raiding a dormitory, a weekly market or from a way side or while she is working in the field. The entire kidnapping operation is planned in such a way and performed so swiftly that neither the parents of the girl nor any one else of her village could be able to know about this, prior to the happening. While the boys take her off, she tries to get away from the clutches of the kidnapers in whatever possible manner she could, but never becomes successful in her attempt. She weeps loudly in vein and surrenders before them helplessly. She is taken directly to her would-be-husband's house and there she is offered food to eat. If the girl is already in love with someone else, refuses to accept food, otherwise, she, being mentally prepared to the outcome of such happening takes food and sleeps in the girl's dormitory. Acceptance of food in the boy's house is regarded as betrothal. Next day in the morning she is allowed to return her home. A small party from the boy's village escorts the girl with sago-palm wine. If it is received cordially and the parent's of the girl do not show any hostility, discussions about the marriage is held between the two parties and the amount of bride price to be paid is settled. Thereafter the marriage is celebrated in a customary manner.

The case studies given below relate to capture of an unmarried girl and a married woman.

Case Study-4:

In village Dantipada, one such case of bride capture has occurred some years back. One B.Sisa, son of A.Sisa of village Sileguda was staying with his mother and sister in his maternal uncle's house at village Dantipada after the death of his father. He came to this village during his early childhood with his mother and sister. In his paternal village Sileguda they had no land and none of his paternal kin members provided them any economic support. Knowing their misery, his maternal uncle brought them to village Dantipada. When he attained marriageable age, he visited girl's dormitories of different villages. He fell in love with a girl. But the girl refused to marry him when she came to know that he had no landed property and was staying with his uncle in the latter's village. Moreover, he was economically not sound to pay the required amount of bride price and to host the marriage feast to the villagers. Thereafter, the boy lived depressed for days together, thinking he may not marry in his lifetime. But his fate gave a turn, when some of his friends persuaded him to capture a girl, if at

all he desires to marry. They promised him to provide their support in such an endeavour. Then, he searched for a suitable girl keeping assurance of friends in mind. Finally, he decided to marry one S.Toki of village Challanguda. He informed this to his friends and they planned out their strategy for capturing the girl. One day while the girl was returning back from the weekly market, Mundiguda, they caught hold of her near Banapacheri and lifted her to the house of the B. Sisa. At first, the girl was crying and refusing to accept any food in his house. But on constant persuasion she took some food and stayed in his village. Next day, the father of the girl came and took her back to Challanguda. Later, a small party including the maternal uncle of S. Sisa went to the girl's village to negotiate with her father. When the girl's view was asked she reacted positively, but her father demanded the bride price, without the payment of which he declined to give his daughter. Under the circumstances, groom's party agreed to pay the bride price and the marriage was finalized. After some days of his marriage, B.Sisa arranged a cow, a bullock, one pot of *Pendum*, one pot of *Salap* juice and Rs.5/- and presented these as bride price to his father-in-law. He is now living happily in village Dantipada with his wife, son and two daughters.

Case Study-5

This case study relates to capture of a married woman. In village Mudulipada, one I.Muduli, son of L.Muduli married to one M.Toki, a grown up girl of village Badapada when he was 8 years of age. I. Muduli, during his visit to *Selangi dingo* of village Badapada fell in love with her and both of them married following all the customary procedures prescribed for a negotiation or love marriage. After the marriage he paid the bride-wealth to his father-in-law, which consisted of a bullock, a cow, one pot of rice beer (*Pendum*) and one pot of sago-palm juice (*salap*) and Rs.250/-. He and his wife stayed together in a newly built house for about a year. But one day his wife, M. Toki ran away to her own village and refused to come back to her in-law's village. Then the parents of I. Muduli claimed double amount of the bride price paid by them earlier from the father of the woman. When negotiation was going on about such repayment, a man from village Dumuripada kidnapped the woman while she was working in *Dongar*. The forcible kidnapping resulted in quarrel between the two villagers of Mudulipada and Dumuripada. Finally, the panchayat members settled the matter and the kidnapper paid double the bride price consisting of four bullocks, Rs.500/- to I.Muduli as compensation. I.Muduli donated one bullock to the village Panchayat.

Case Study-6

In village Bandhuguda, one C. Dhangada Majhi, son of S.Dhangada Majhi could not get married during his childhood, as his parents could not afford to pay bride price due to their poverty. When he reached adulthood and decided to marry, he had no option but to go for capture of a divorced lady. He captured one B.Toki of village Bodbel who had married earlier in village Dumeripada. After four months of her first marriage, she divorced her husband and came back to her own village Bodbel and returned the bride price when claimed by her former husband's family. Later, when she went away with C.Dhangada majhi her brother demanded bride price from her new husband, which was double the amount usually paid. C.Dhangada Majhi had no option but to pay reluctantly four

heads of cattle (2 cows and 2 bullocks) to his brother-in-law as bride price. For such payment he incurred loan from the private moneylender.

Case Study - 7

Another case of marriage by capture was collected from the same village Bandhuguda. One O. Dhangada Majhi, son of S. Dhangada Majhi captured a divorcee named, S.Toki of village Badapada and married her by paying bride-price. S. Toki had married earlier to one S. Batri of Podeiguda village. After some years of her first marriage they were blessed with a son. But the son died suffering from disease. Thereafter the husband, S. Batri suffered from prolonged illness and could not able to work properly. As a result, the bride S.Toki had to look after all works besides her household chores. She was unable to sustain pressure of work for long and therefore to get free from this bondage she decided to divorce her husband. After deserting her husband, she was staying in her own village Badapada. Then O. Dhangada Majhi captured her. After the incident, O. Dhangada Majhi paid a bullock, a cow, two pigs and Rs.80/- to the parents of S. Toki as the bride price. The newly wedded couple is now living in the village Bandhuguda happily with their two sons and two daughters.

In Bondo society, the widow or widower is allowed to remarry if they so like. Other members do not treat them differently and they enjoy equal status as that of the others. A young widower may visit the girl's dormitory and if he could be able to convince any girl, marries her on payment of bride price at a little higher rate. But the widows, young or old, are not allowed to visit dormitories; rather, they have to wait to be captured by those men who are in need of them. Truly speaking, in Bondo society most of the secondary marriages are performed through capture. In case, a widow remarries, she has no right to take with her any of the children born to her earlier to the house of her new husband. On the other hand, the paternal kin members of her deceased husband take care of these children and keep them. In this context, the following case study is relevant.

Case Study- 8

In the village Kirsanipada, one A. Kirsani was living with his wife A. Toki and one year old daughter. Subsequently, A.Kirsani suffered from cough. He resorted to traditional treatment in the beginning, but when the disease still persisted and he became serious, his elder brother S. Kirsani and some of his kinsmen took him to Khairiput where he was admitted in the Primary Health Center. As the disease was acute when he was brought to the hospital, the doctors could not save him from death. About six months after the death of her husband, A.Toki went away with one S. Batri of village Andrahal who was a bachelor. S. Batri persuaded her and captured her while she was working in the field. After she went away, the elder brother of her deceased husband demanded the bride price to be returned to them from her second husband which they had paid to parents of S. Toki. There was some dispute over such payment and the matter was referred to village panchayat. The panchayat ordered S. Batri to return the bride price along with a goat as fine for such

capture. He accepted the verdict and returned the bride price, which consisted of one cow, one bullock, and two pots of liquor. The goat which he gave to village panchayat was utilized in a feast. S. Kirsani, the elder brother of late A. Kirsani informed that the female kid of his younger brother died a few days after her mother left her.

Preferential Marriage:

Generally speaking, among the Bondo, there are no preferential or obligatory forms of marriage prescribed in their rules for acquiring a mate. Cross-cousin or parallel cousin marriages are not permitted, as these cousins are held as brothers and sisters. "A Bondo boy", Elwin writes, "has unprecedented wide field from which to select his future wife... he is not tied down - as are most of his neighbours - by obligations to a cousin or other relative or by his elders tiresome desire that he should marry many or improve the family status by marrying well". (1950:73). Also they do not practise sororate, but occurrence of some senior levirate types of marriage is met with which, prescribes elder brother to marry his younger brother's widow, if both of them agree to do so. This is a peculiar custom as opposed to the practice prevalent among other tribal groups where the younger brother succeeds his elder brother after latter's death by marrying his wife. Verrier Elwin has put forth reasonable explanations to such practice. Bondo prefer to marry their younger brother's wife because "... among the Bondo an elder brother's wife would probably be too elderly to be attractive, whereas the younger brother's wife, though possibly older than her own husband, would be more of an age with the elder brother and so more available for an affair". (1950: 117) Though this type of marriage is a rare opportunity for the Bondo which does not involve any payment of bride price, yet they usually do not show any interest for such marriages, as these often lead to serious quarrels between the co-wives thereby disturbing the family peace.

The procedure followed for such marriage is very simple. The elder brother puts his foot over the foot of his deceased younger brother's widow to show his desire for marriage. If she is willing to marry she does not withdraw her foot, otherwise she may take it away to indicate her unwillingness.

There are instances among the Bondo when the elder brother has married his younger brother's wife for the second time dragging her from her own village after she had deserted her husband. The case study given below is indicative of the above fact.

Case Study - 9

L. Badnaik was earlier married to one S. Toki of village Bodbel and they had one son, named H. Badnaik. His younger brother P. Badnaik was married to one O. Toki, daughter of B. Muduli of village Bandhaguda when he was only 10 years of age. Both stayed together after marriage for about 3 years and until that date

P. Badnaik had not paid any bride price to his wife's parents. He was delaying such payment with some plea or other in spite of their repeated requests. One day O. Toki fled away from her husband's house to her own village and did not return. A few days later some persons from village Bandhaguda came to Badapada and took away one cow, one bullock and one goat from the cattle shed of L. Badnaik, the elder brother of P. Badnaik, when he was absent from home. On knowing this after his return, L. Badnaik immediately retaliated by going to Bandhaguda village with some of his friends and brought O. Toki forcibly and kept her as his second wife without paying any bride wealth.

Polygyny:

The Bondo do not practise polygyny more often, unless the occasion demands. For a Bondo, more the number of wives means, more the number of houses to build, more the number of children to rear, and more the quantity of foodstuff to procure, which are indeed very hard bargain. They resort to polygyny, when an extra hand is needed in agricultural operation or the first wife is barren or too old to satisfy the sexual urge of the husband. In polygynous marriages, there is no restriction regarding number of wives one may have. In most of such cases, apart from the first marriage, captured brides may usually be unmarried girls, or married or divorced women or widows.

Among Bondo, the polygynous marriages are rarely met with success due to frequent quarrel among the co-wives. In case of bareness of the first wife, a second marriage can be arranged after obtaining the approval of first wife. But, if the motive is sexual gratification and enjoyment, the first wife never approves such a proposal, rather, she turns violent and quarrels with her husband, goes without food for days together and sometimes breaks the earthen pots in anger. In case, the husband ignores her and marries for the second time, she may go to the extent of deserting him.

The co-wives do not stay under one roof. As per the custom they are to live in separate huts with their respective children. They do not tolerate one another and usually develop jealousy and hatred towards each other.

The following case studies are cited below to highlight the above facts.

Case Study - 10

In the village Mudulipada, one Y. Muduli, son of G. Muduli has two wives. The first wife was acquired through negotiation and the second one, through capture. His first wife G. Toki belongs to the village Gopurpada and has one son and one daughter. Y. Muduli has more land and he had to employ outside labourers more often to cultivate all his lands. Therefore, he thought of marrying for the second time to get an additional hand to help him in cultivation.

Since his primary motive was economic gain of the family, his first wife remained silent when her approval was sought by her husband for his second

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Since his primary motive was economic gain of the family, his first wife remained silent when her approval was sought by her husband for his second

marriage. Y. Muduli married for the second time in the village Badapada to one K.Toki by capturing her and paying the bride price later. Now his second wife is blessed with a daughter. Both these wives are now staying in separate huts with their children. It was reported by others that the co-wives very rarely quarrel among themselves; rather, their relationship is marked by mutual help and cooperation with one another, besides showing affection to each other's children.

Case Study - II

This is another case of successful polygynous marriage in the village Mudulipada. Here the motive for second marriage is childlessness of the family. One Y. Muduli, son of G. Muduli married earlier to one S.Toki of village Khalguda. Initially, the couple had one issue but the child could not survive long. After its death, the couple had no issue after several years. When Y. Muduli became confirmed that his wife could not bear any child, he thought of marrying for the second time. With the consent of his first wife, he married a lady named, K. Toki from Badapada village who had married earlier in Dumeripada and subsequently got separated. Thereafter Y. Muduli has been blessed with a son through her second wife. His two wives are staying in separate huts in the village.

Bride-Price:

Payment of bride price or bride-wealth is an important custom in marriage in all the tribal societies. Beals and Hoijer emphatically state that, "Bride-price is seen not as a custom whereby women are purchased as chattels, but as a cultural pattern enabling a family to compensate the loss of a daughter by securing brides for their sons. Dowry, similarly, is not to be conceived as an inducement to marriage but as a device whereby the bride's family seeks to help its daughter's husband set up an economically stable household. Both of these customs again emphasize the fact that marriage is very largely a family concern and not of interest to bride and groom". (1971: 404). But such payment should not be treated as an equal compensation for acquiring a bride, rather, the payment of bride-price is just a symbolic expression, perhaps meant for the groom's family to recognize the high economic value of the bride. This is indicative of the status the women enjoyed in tribal societies.

Among the Bondo, payment of bride price (*gining*) is a must in all types of marriages except when they practise levirate. Normally, before marriage, the two parties fix the amount to be paid and soon after marriage payment is made to bride's family by the groom's family. It is paid both in cash and kind. Generally, the bride price consists of some heads of cattle, few pots of liquor and some cash. There is no fixed amount of bride price to be paid at the time of marriage as it depends on negotiation between both the sides and the kind of marriage. The bride's family while negotiating with the groom's family regarding the amount of bride price to be paid to them takes into consideration the economic condition and social position of the latter. Besides, the amount of

bride price varies according to types of marriages. Generally, lesser amount of bride price is paid in marriages made by capture of widow or divorcee in comparison to arranged marriages, which are performed through mutual consent. In case of the marriage by capture of married women, double the usual amount of bride-price is paid.

Marriage Outside the Community:

In Bondo society, a man is free to marry outside his own community, if the concerned caste/tribe is equal or superior to them in the caste hierarchy. No stigma is attached to these marriages and the person who resorts to such practise is treated equally with others who marry within the tribe. In rare cases, they have established marital tie with Kamar caste that are considered by them as superior. The kind of relaxation in marriage rules which the males enjoy is, however, not applicable to the females. Females are strictly forbidden to marry outside their own tribe.

The case studies are narrated below as illustrative examples.

Case Study-12

In the village Dantipada there is one S. Mandra who has married to K. Kamar, daughter of M. Kamar of Ankadeli area when both were working in tea gardens in Assam. S. Mandra stated that when he was very young, he went with his parents to Assam in the year 1949 to work in the tea gardens. During his stay there from the year 1949 to 1957 he came in contact with K. Kamar who had also come with her family to work there. In course of time, they fell in love with each other and got married there with the consent of their parents. Their marriage involved no payment of bride price. But M. Kamar, the father of the girl faced a social boycott from his fellow castemen for giving his daughter in marriage to a Bondo man, as the Bondos are inferior to Kamars in caste hierarchy. In turn, M. Kamar demanded Rs.120/- from S. Mandra required for arranging a feast for his fellow men for readmission of his family to his cast fold. S. Mandra paid the amount to his father-in-law in order to enable him to arrange a feast. After staying there for some years, S. Mandra returned from Assam with his family and now staying in village Dantipada quite happily. He has two sons and one daughter; all of them married within the tribe. He told that he faced no problem in arranging their marriages. He has now grown old, but is still active and capable of doing hard work. For his knowledge, pleasing personality and leadership, he is admired and obeyed by all the villagers.

Case Study - 13

This case is an example of both polygynous marriage and marriage outside the tribe. It relates to one X. Mandra, of village Dantipada who is having two wives, the first one belonging to his own community and the second to Kamar caste. He first married to one M. Badnaik of village Badapada when he was very young by paying usual bride price. He has three daughters from his first wife. After 15 years of his first marriage he came in contact with one A.Killo,

daughter of O.Kilo of Kamar caste belonging to the village Bandapada and fell in love with her. When his wife came to know about such an affair, she took all possible steps to dissuade him not to keep any relationship with her. But X. Mandra ignored his wife and married that girl. He paid Rs.500/- to his new father-in-law who arranged a feast for his caste men for lifting the social boycott imposed on him and his kinsmen consequent upon his daughter's marriage to a man of lower caste. After his second marriage, X. Mandra failed to maintain a unified family. His first wife who was vehemently opposing his second marriage got separated from him and she stayed in the same village with her daughters. She is now working in the agricultural field of the younger brother of X. Mandra and maintaining her family without seeking any assistance from her husband. However, she has not yet sought for a divorce. On the other hand, X. Mandra is now staying with his new wife in another hut in the same village. His second wife A. Killo has been admitted to Mandra *kuda*.

Divorce:

Bondo marriages are more or less stable as here the element of love is the prime factor for the selection of spouses without interference of parents. Before marriage, the boys and girls simply do not love each other being attracted by each other's beauty, but they are well aware of each other's habits, capabilities and other virtues required for establishing a life long relationship. Therefore, in Bondo society, divorce, though socially permitted, is of rare occurrence. To them it is an undesirable and uncommon event in a man's life. They accept such occurrences with utmost restraint and attribute it to one's ill fate. Breaking of the wedlock is a very serious matter, which requires careful thought and consideration before it is affected.

Like marriage, divorce is an affair of the family. Both men and women can divorce each other on reasonable grounds but rarely at will. Either of the spouses can effect divorce unilaterally by mutual consent of both.

The reasons for breakdown of marital tie are more or less the same as found among other tribal societies elsewhere. The grounds for effecting a divorce for both husband and wife are adultery, cruelty, harassment, ill treatment and physical assault, laziness, non-cooperation in economic activities, sexual disability and incapability, suffering from incurable disease, unfaithfulness and physical and mental disabilities. Apart from these grounds, a man may also divorce his wife if she is barren, but generally they sympathise on such women and find no difficulty in obtaining their approval for second marriage. Otherwise, a woman ordinarily does not allow her husband to bring a second wife. It is a kind of opportunity, which the Bondo men quickly avail. For them, the first wife who is quite old, acts more as an economic partner and the young second wife as a sexual partner. But one should not be guided by the fact that the Bondo are always on the lookout of such situations where the childlessness of first wife favours the acceptance of a second wife.

On the other hand, quarrel, conflict and jealousy among the co-wives, acceptance of second wife against the will of the first wife and sexual incapability of the husband often lead a woman to seek divorce from her husband. Besides, disparity of age between husband and wife is another important factor indirectly responsible for dissolution of marital bond. Among the Bondo, in a good number of cases, where the couple is formed of immature husband and grown up wife, the wife has deserted her husband few years after marriage or even after few months before payment of bride price in the ground of sexual incapability of husband. There are reasons to believe this, as the couple does not constitute a formidable pair for any sexual act. Then, one wonders why the Bondo girls select the young and immature boys as their husbands? Instances of divorce resulting out of such situations in Bondo society are many. It was reported during fieldwork that one T. Toki of village Bandhaguda and another S. Toki of village Badapada deserted their respective husbands when they could not get themselves satisfied sexually.

The procedure of divorce is very simple. If a man wants to divorce his wife and forcibly turns her out, then, she goes back to her village and informs her parents about such happening. A group of men from her father's village, mostly her father and brothers go to her husband immediately after this and try to persuade him to accept her once again. But if they fail in their attempt, they may kill one of his pigs while they return. If the person has no pig, he may buy one for killing by the visitors. In case, the pig killed belongs to somebody else, the husband has to pay compensation to the owner; otherwise, the result is a nasty quarrel. When the divorce is effected on the initiative of husband, he cannot claim to get back the bride price. But, in case of vice-versa, the husband has every right to get back the bride price.

After the divorce, irrespective of fault of the husband or the wife, the wife has no claim over the children. She has no right to take any children with her. The husband keeps all the children with him and becomes their custodian and legitimate guardian.

PROPERTY: INHERITANCE AND SUCCESSION

The concept of property, from anthropological point of view, covers a wide range of activities and relationship of a man with his environment, and does not relate to the possession of only 'things' or material assets and possessions. It ranges from material belongings to non-material abstract values, all forming more or less the objects of property. The land which provides shelter and subsistence, the flora and fauna, that contribute symbiosis, the house that gives safety and security and many more cultural materials like, the dress and ornaments, the tools and appliances, the streams and springs, the dance and music, the arts and crafts, the legends and folk-tales, the charms and incantations, and surrounding, natural as well as supernatural objects constitute the property of tribesmen.

Property is nothing but a social creation and in the words of Hoebel, "a property is a web of social relations with respect to utilization of some objects (material or non-material) in which a person or group is tacitly or explicitly recognized to hold quasi, exclusive and limiting rights of use and disposition." (1979: 262).

Property has various related aspects based on its nature, type and rights to use. It may be fixed, immovable, or movable, owned individually (personal property), by group (joint common property) or by society at large (communal property) and it may be material and concrete or an idea or way of acting. It may be transferable or inalienable.

Among the Bondo, the property includes both corporeal and non-corporeal objects. The land, the house, the tree, the domesticated animals, dress and ornaments, implements of different types, food grains, household articles, etc. constitute their material property. The non-material properties include their legends and folk tales, songs and dances, their belief system, abstract concrete values and artistic talents. The material or corporeal properties, which are owned either individually or jointly, are considered to be private possessions. The non-material or incorporeal properties are owned individually also on private basis. Much importance is attached to corporeal properties than the non-corporeal as the former determines the economic status of a person as well as helps him achieving social status in the society.

Corporeal Property (Immovable):

Land:

Among the Bondo, the land constitutes the most valuable of all corporeal properties belonging to him. The habitat and the natural surroundings where the Bondo live have moulded their economy to a great extent. They are still at subsistence level of economy with pre-agricultural technology. They eke out their living chiefly by exploiting their natural resources, like land, water and forest. Besides, they have also adopted animal husbandry and wage earning quite recently as subsidiary means of earning livelihood.

The Bondo agriculture consists of both dry, wet and shifting cultivation, the former being an age-old practice regarded as the way of life of the people.

They classify the land into four types, which are available for any kind of cultivation. Those are (1) wet land (*Liun*), (2) Up land (*Pada*) (3) Hill slope (*Birhi*) and (4) Kitchen garden (*Dinabui*).

Wet Land (*Liun*):

Wetland (*Liun*) is the best type of land available in the Bondo habitat. Because of its high market value, these are considered as prized possessions of the Bondos. Such lands are located at the foothills along the stream beds and are very rich in earth content. These lands are made into terraces one lying above the other stretching up to certain height on the valley bottom like that of the Lanjia Saora of Gajapati and Rayagada districts. The terraced fields are further divided into several cultivable plots over which water flows continuously throughout the year. Their techniques of water management and contour bonding is so skillful that water never stagnates in one plot; further it flows out from higher plots to lower plots without carrying any soil in it. They take utmost care of these wetlands.

Due to the scarcity of these lands in the Bondo country, the average land holding size of wetland per family is very less. A few people among them have possessed such land, for which they are considered as rich men, popularly known as Sahukars. They are always on the look out to acquire such lands, and while attempting so, they often invite quarrel and conflict with others. According to an estimate made by Bondo Development Agency (B.D.A) a Bondo household owns on an average 0.12 hectares of wetland.

In the irrigated terraced fields a long duration variety of country paddy known as *Sapur dhan* or *Lagar dhan* is grown once in a year by transplantation method. Agricultural operation in wetland starts in the month of February (*Magha*) with the preparation of seedbed for raising of seedlings. Simultaneously, ploughing and leveling are also done in other fields where these seedlings are to be transplanted. The next two months are fully devoted to

transportation of seedlings to the field for transplanting. With the pouring of first shower of rain, they keep themselves ready for weeding operation leaving apart all other works. Weeding continues for two months during June and July in the rainy season. Then after three months, harvesting operation starts in the month of November and continues till the end of December. No manure is applied in the wetland and women do most of the arduous works in paddy cultivation, such as transplantation, weeding and harvesting. Men, of course, do ploughing apart from assisting women in harvesting and threshing.

Now-a-days, immediately after the harvest of paddy, in some suitable upper terraced fields, Bondo have taken up potato cultivation with great interest. For introduction of such new cash crop among the Bondos, the initiative of B.D.A., Mudulipada deserves special mention. It was told that initially the Bondo showed a great deal of resentment for such cultivation. However, after repeated persuasion, a few families grew potato in their fields on experimental basis. When the experiment was found successful, Bondos started showing interest for such cultivation and, at present, each and every family having some irrigated land is very keen to grow potato in their land. Their enthusiasm and interest for potato cultivation is marked by the fact that in the month of December, as observed during the fieldwork, a large number of persons carrying empty bamboo baskets came down to Mudulipada to obtain potato seeds from the B.D.A. Some of them were even demanding more seeds as the seeds supplied to them would not be sufficient for their field. Really, it was a rare sight to see, thus making the task more difficult for the project staff. All these have mentioned to show the importance of terraced lands. The values of these lands have gone very high, now, the added importance being due to its suitability for potato cultivation.

Terraced lands are owned individually and are acquired through inheritance, purchase, gift and mortgage.

Dry land (*Pada*):

Those high lands which lie on the hill slopes in between the terraced and *podu* fields are locally called *Pada*. These lands are less fertile and do not contain much soil. These lands are unsuitable for rice cultivation due to the lack of irrigation facility. Therefore, *Pada* lands are valued less than the wetlands. Nevertheless, Bondos utilize these lands for growing three kinds of dry crops namely, *alsi* (*niger*), *mandia* (*ragi*) and *suan* on rotation basis for three years. Afterwards, the land is kept fallow for some years. They plough these lands barring stony patches before sowing of seeds. The stony patches are hoed by means of a dibble. Both *niger* and *suan* seeds are sown in the month of August (*Usha*) and harvested in January. *Ragi* is sown in the month of February and harvested in September. The Bondo do not take much care of these lands as one often finds the cattle grazing over such lands with standing crops.

Podu Land (Birhi):

Shifting cultivation, being the age-old traditional practise, is now carried on as a tradition than any other motive of economic gain. Swidden plots are located at higher regions of hill slopes, even stretching up to hilltops. These plots are cultivated by slash and burn method. A particular patch of land is cultivated for three consecutive years, after which it is abandoned for recuperation. Due to repeated cutting and burning of forest vegetation over the years, now the area, which was once densely forested and very rich in wild games and birds, looks completely barren with small patches of forests here and there.

Hoe cultivation required round the year involvement and passes through several stages, such as selection of the site, tree felling, debuting, setting fire, hoeing and dibbling, sowing, weeding, watching and harvesting. It is associated with various rituals and sacrifices performed at different times. Shifting cultivation is carried out following a primitive and crude technology, the chief implement being a hand hoe. It is very labour intensive and the works connected with such practice are very arduous in nature. Women perform most of the strenuous works, such as hoeing and dibbling, sowing, weeding and harvesting. Men do the rest of the works. A mixed crop of cereals, minor millets and pulses such as *mandia*, *suan*, *kangu*, *birhi*, *kandula*, *jhudung* and *kankadanui* are grown in swidden plots. After the selection of the site in the month of November, tree felling is done in the month of December, firing in the month of February followed by hoeing in the month of May (*Landi*). In the month of July (*Bandapan*) seeds are sown by broadcasting method. Then, they watch the crops both in the day and night by staying in the field huts raised on the swiddens. Finally harvesting of crops is done in succession and the period of harvesting spreads over three months.

Kitchen Garden (Dinabui) :

Each and every Bondo family maintains a kitchen garden (*dinabui*), which lie close to their dwelling hut. The kitchen garden is carefully fenced in all sides. The Bondo, loosen the soil by means of a hoe or even by using plough and apply manure from the dug pits. They grow various kinds of vegetables, such as brinjal, tomato, pumpkin, gourd, cucumber, banana, chilies and beans etc. Those having larger plots grow maize and even tobacco.

Customs, Taboos and Rituals associated with the productivity of land:

Various customs, taboos and rituals are associated with cultivation of swidden, wetland and backyard. During the reaping of paddy, the women are not allowed to talk among themselves. Besides according to their custom the married girls come to their parent's house to assist them in reaping and when they go back they take with them the baskets full of food grain. Various taboos are observed during the harvesting of paddy in the threshing floor. Those men

who work in threshing floor do not take any food prepared at home or at any place outside the floor area. Therefore, they bring all materials required for cooking to the threshing floor and cook food there itself. Until the threshing is over, they do not eat meat, drink only sago-palm wine and abstain from sex. While working, they may talk among themselves, but not with outsiders. At the time of winnowing, if there is insufficient wind, the village priest is called to sacrifice a fowl to appease the Sun God. Then again, before the grains are lifted to home, the *Burusung* (earth goddess) deity is offered with eggs and crabs through magico-religious rites. During the festival of *Sasu-gige* (Magh parab), a ritual is observed in the honour of the *Burusung* deity by community members with the sacrifice of a fowl for consecration of seed grains.

In shifting cultivation, forest clearing starts only after the village priest ceremonially initiates the work. They do not cause any damage during tree felling to such fruit bearing and useful trees as the mango, jackfruit, tamarind and the sago-palm. During the festival of *Gia-gige* in the month of April, a ritual is observed for the collection and reburning of half-burnt materials on the site.

Pattern of Land Ownership:

Among the Bondos, land of any type is considered to be the most important immovable property. Some categories of land are owned individually while others are treated as communal property. Wetlands and terraces are owned on individual family basis. These lands are acquired through inheritance, purchase and gift permanently, and temporarily by mortgage and share-cropping. The individual families have every right to use these lands in whatever manner they like. During the rainy days or at difficult times they may sell, mortgage these assets for money. Sometimes, the well-to-do families may like to give some plots of these lands as valuable gifts to their daughters in their marriages. A person seldom dares to encroach upon wetlands owned by others, as this act is viewed very seriously often leading to murder. Like wetland, the *pada* land is also owned on individual family basis. Although both the wetlands and dry lands are owned by the individual families, but in a family where the father and the married sons live under separate roofs, jointly cultivate these lands and enjoy its products by sharing among them till a formal partition is made. Soon after the partition, each son becomes the sole owner of his own share.

On the other hand, the land under shifting cultivation is held communally. In the past, every Bondo village had a well-defined area demarcated under the village boundary for practise of shifting cultivation by the village community. But now-a-days, due to increase of their population and availability of limited Podu lands which are loosing soil fertility for continous method of slash and burning cultivation, the people have been forced to go beyond their demarcated area to continue such practise. The land belongs to a village are allotted separately for the clan members in a contigeous area. The

land is distributed among the individual households of the clan group assessing needs and capability of individual family members with the approval of the village community. The land is considered to be the property of a family, as long as it continues cultivation on it. If it is left unused for years, without cultivation, it may be allotted to other needy families. Among the Bondo, the rights of such land is inheritable within the male line, but if the inheritor deserts the village or dies without any successor, the land reverts back to the community domain for redistribution to needy families again. During time of need the possessor of this land may sell the clearings, mortgage it to others or borrow goods by pledging it as a security.

Other Immovable Properties:

The fixed corporeal properties of the Bondos constitute, their house, house site, fruit and other trees besides the landed property.

Each and every family has a dwelling hut of its own. As Bondos practise neolocal type of residence, after marriage, the sons get separated from their parents and live in newly built huts. When a hut is constructed over a piece of land and allotted to a newly married couple, the unused barren lands located near the habitational zone, becomes the personal property of that family. A typical Bondo hut is gable shaped with the floor slightly raised above the ground and walls made up of bamboo splits plastered with mud. The roof is straw thatched and sloped in all four sides. The house consists a single room, which is further partitioned into two compartments of unequal sizes, the larger one used for sleeping and cooking and the smaller one for storing their grains.

The house and house site though considered as the bare necessity for one's living yet these are not considered as valuable assets like cultivable land in terms of their monetary value. There is not a single instance to show when a Bondo has sold his house or house site for money or any other exchangeable commodities to meet his urgent needs.

The fruit bearing trees such as, mango, jackfruit, tamarind etc. in the swidden and backyards are private possessions of the Bondo. The fruits collected, constitute important food in lean seasons and the surplus produces are sold or exchanged for other commodities in local weekly markets. They can sell and mortgage these trees when occasion demands so. Collection of fruits from these trees by outsiders, without the permission of the owner is considered as a theft, and the culprit is punished severely.

Apart from fruit bearing trees, the sago palm trees located either in the swiddens, in the forest or in any other place within the village boundary are individually owned by the Bondos. A sago palm tree, even though located in communal and public land, traditionally belongs to that Bondo family whose forefathers have planted it. These trees are considered as the most valuable

property of Bondos like wetland. These provide them their most favorite drink. Besides, these trees are very good source of income to them, as they earn substantially by selling surplus wine in the weekly markets. These trees can be sold or mortgaged to meet any dire necessity. Trespassing over such property by anybody is held as a serious crime, and there are many instances when the trespasser has been murdered instantly when caught red handed.

Corporeal Property (Movable):

The movable material property of the Bondos include livestock, hunting weapons, fishing traps and nets, agricultural implements, household appliances, dress and ornaments, musical instruments, food stuff, etc.. Of these, the cattle, the silver and gold ornaments whatever little they may have, are considered as valuable possessions. The foodstuff, both grown and gathered is treated not as durable assets for these are perishable and consumable.

The livestock population of the Bondo consists of a variety of animals and birds, such as buffalo, bullock, cow, pig, goat and poultry. These animals are reared with care for their immense importance in the socio-economic and religious spheres. They do not milch the cows or buffaloes, rather, use them as drought animals along with bullocks. The general health condition of the cattle is very good, due to availability of natural fodder in the nearby jungle in sufficient quantity. According to customary practise, the cattle owning families, take the cattle of the village to nearby jungle for grazing everyday on rotation basis. The cattle are kept in sheds constructed near the dwelling house. The cattle are their private property, individually owned. These animals can be sold or given as gifts.

The other movable properties; such as hunting, fishing and agricultural implements, musical instruments, dress of the women and some household goods like mortar and pestle and different bamboo baskets, etc are made by themselves. Therefore, they do not purchase those items although these articles are very much useful to them, but not considered as valuable belongings in terms of their monetary value. Among the ornaments, those made of brass, aluminium and beads are found in plenty among both poor and rich people. But gold and silver ornaments are found under the possession of rich families only. These ornaments are purchased from local markets and kept with utmost care.

Incorporeal Property:

Among the Bondos, myths and legends, folk tales and songs, music and dance, magical rites and charms, talents and skills both artistic and non-artistic, all, constitute their non-material property. Of these, myths, legends, folk tales and songs belong to the community and others are individual acquisitions.

Public and Private Property:

Bondos are well aware of the concept of public and private property. Those corporeal and incorporeal properties whether self acquired or inherited, individually or communally owned form their private property. On the other hand, the forests, streams, roads, tube wells, and other social infrastructures like schools; office buildings, etc are known to be the public property. An individual possesses absolute right to use any of the public property without causing any obstruction to other. But they know that their rights to use do not necessarily confer any title of ownership on them. They are also well aware of the fact that while using such property; they have no right to cause any harm or damage to the original structure of such asset. Among the public properties, they have certain traditional rights over the forest established through age-old customary practices. They collect various items from forest such as, firewood, edible fruits, tubers and leaves, house building materials and other minor forest produces. Every one has not only free access for such collections, but also he/she becomes the absolute owner of his/her gathered materials.

Inheritance:

Inheritance means transfer of goods, both corporeal and incorporeal by an orderly flow from one generation to the other with the right to use. Inheritance as defined by G.D.H.Cole, "is the entrance of living persons into the possession of dead person's property." (1935:286). Hoebel, however, found this definition incomplete as he states, "inheritance is not transfer of possession, it is the transference of statuses, that is, the transfer of the rights to property inherent in the position or status of the previous owner". (1979: 464). Though, inheritance mostly involves transfer after death, but many such transfers can take place during lifetime. Further, transfer of all statuses should not be confused as inheritance. In such situations succession is the appropriate word to use, which means, the transfer of an office, rank, rights and responsibilities of a social position from one individual to other of the same or different generation.

Among the Bondo, the patrilineal and parriarchal nature of the family strongly influences the lines of inheritance of movable and immovable properties. The customary rule is in favour of filial inheritance. Since the descent is traced through the male line, it is only the men who have the right to inherit the property of their fathers after their death. It is a pity to mention that, the women folk who contribute so much for the growth and maintenance of the family property have absolutely no right to inherit the same either solely or jointly with men.

Fathers generally transfer the incorporeal properties, such as magical formulae, medical powers etc, which involve secret knowledge, to the sons before their death. In case the necessary knowledge is taught to another man, the beneficiary gets no right to use the same until after the death of the doner.

Other aesthetic skills, which do not involve any secret knowledge, can be transferred to any near and dear one as gift.

Orders of Succession:

Among the Bondo, the inheritance of property is guided by their customary rules of kinship and descent. The sons by birth become the legal heir of their parental property and under no circumstances they can be debarred or disqualified from getting their rightful share. The rules of inheritance of Bondos provide no room for either married or unmarried girls to inherit their parent's property. They follow equigeniture, in which the property is divided equally among all sons. In such situations where the son dies before the transfer of property the grand sons become the rightful heir. If there are no male descendants in the vertical line, then lateral agnatic kins such as brothers have the right to inherit the property. In case a person has no sons, no brothers, then, the right of inheritance to his property passes to his father's brothers/brother's sons/grand sons. In the event of their nonexistence, the right of possession then passes to the nearest agnatic kin members of the property owner. If any dispute arises in determining these successions, the *kuda* members first try to settle the issue among them through discussion. But if they fail to come out with any solution to the issue, the village council meeting is convened to decide the real successor of the property.

The successor so selected not only enjoys the property of the person to whom he succeeds, but also at the same time he shoulders the debt burden or any other liabilities of the predecessor. Besides it is obligatory for him to observe the mortuary and other associated rituals required to be performed after the death of his predecessor.

Property Rights:

The family being patriarchal and patripotestal, the authority in the family is vested with the males. The father enjoys absolute right over the family property both self acquired and inherited. The property law of Bondos does not prescribe different sets of rules to govern transactions of these properties in different manner. Therefore, the inherited properties are treated like self-acquired one conferring ownership right over it to the father only but not to any one in the family. Nevertheless, the sons can claim inheritance of all these properties. The father is responsible for the maintenance and management of the property. Besides he can sell, mortgage and pledge the property at his own sweet will. No one in the family can challenge any of his decisions whether right or wrong. Of course, every one in the family has the right to use the property. Under certain circumstances, when the father is disabled physically but not mentally or remains away from home say, in the jail under life imprisonment, the family members can dispose of any of their properties with his knowledge and approval. But in case the father is mentally ill, the eldest son

acts as the head of the family and can take decisions independently relating to property transactions.

Partition of Property:

Partition of family property can take place both before and after the death of the head of the family. But generally, the Bondo prefer to divide the property among the eligible heirs during their lifetime for two reasons. It gives utmost satisfaction to a man at his old age when he sees that his sons are not only happily placed with their shares but also have added more to their inherited property by their personal endeavour. Secondly, they always apprehend that if partition of property takes place after their death, the sons may quarrel among themselves and there is every possibility that the elder brothers may cheat the younger ones. If they die with such apprehension in mind, their soul will never rest in peace. Other important factor, which compels Bondos to divide their property, is frequent quarrel among the wives of their married sons. These daughter-in-laws who do not see eye to eye always instigate their husbands to have separate properties.

Generally, in a nuclear family the process of partition starts with the marriage of the sons. Sons immediately after their marriage establish separate home and hearth of their own. Although the immovable corporeal property such as, land remains under the joint possession and they work together to cultivate these lands, the products after the harvest are distributed among the sons and father equally. The shares of the unmarried sons who remain under their parental roof is kept and utilized by the father.

Partition of family property is an internal affair of the family, which takes place when the father desires so or any of the married sons demands his share. At the time of partition, both movable and immovable properties are distributed equally among the sons. In certain cases the youngest son, being more affectionate, gets a little bit more as a gesture of goodwill and love but not as a rule. If the father is capable of doing hard work and possesses enough physical strength to manage the property, he may keep a share for himself without becoming a burden on his sons. But after some years when he grows old and weak, he may distribute his share among the sons and like to remain as a dependent on them. It is always obligatory for the sons to maintain their parents at their old age. In that case one may take the burden of the father and the other may keep the mother with him. If there are unmarried girls in the family at the time of partition, it is the responsibility of all brothers to maintain their sisters till their marriage and contribute equally to their marriage expenses.

When a male child is born to the father after partition of the family property, he becomes the owner of that share which is kept with the father. In case of girl child, the father or brothers take care of her and meet all expenses of her marriage.

Generally, the physically or mentally handicapped sons or daughters stay with the parents after the partition of property. In case of son, his share of property is retained with the father. But after the death of the parents or when they grow very old, the brother who takes up the responsibility of his deformed brother enjoys his share. But it becomes the responsibility of all brothers to contribute for the maintenance of the handicapped sister, though she may stay with anyone.

The women in the Bondo society have no right to inherit the parental property. Their properties include only those ornaments and dresses, which are given to them by their parents and relatives at the time of their marriage. According to the customary practice, the daughters-in-law have no right to take possession of their mother-in-law's ornaments and dresses after her death. Rather, these are given to the daughters whether married or unmarried.

Partition of property does not involve any written agreement among Bondos. It is executed through mutual agreement among the family members. Any dispute regarding partition is referred to village panchayat for a decision.

Case Study-14

This case study and partition of family property relates to one O. Mandra of village Lantipada. O.Mandra has two sons, namely S.Mandra, the eldest son and B. Mandra, the youngest son and one daughter S.Toki, who is older than B. Mandra. All of them are married. The sons are now staying separately and before 7 years back their father has partitioned his properties among the sons. O.Mandra told that he wanted to make partition of his property early because his youngest son B.Mandra was not pulling on well with his elder brother and there was frequent quarrel among the two over the family property. He was completely disgusted with their quarrelsome attitude, and in order to avoid any further conflict between two sons, he distributed the family property in the following manner. Out of five plots of wetland, he gave two plots each to his two sons and kept one for himself. He distributed all the four plots of *Pada* land equally between his two sons. He did not make any division in the swidden plots under his possession, rather, told his sons to clear any amount of land they like according to their capacity. Then he distributed two sago palm and two jackfruit trees equally between the two sons. Out of three cows and bullocks and two goats, he gave two cattle to B. Mandra, the youngest son and one to his eldest son. S. Mandra. Two goats were divided equally among them. O. Mandra told that since his younger son is little bit wayward and a dis-satisfied soul, he gave him one more cattle. The other movable assets were distributed equally among them. After the partition they are now living peacefully without any dissatisfaction and dispute.

PROPERTY TRANSACTION

Property, be it a corporeal or incorporeal, provides not only means for day-to-day existence to its owner, but also acts as a security and support at the time of need. The property of the primitive people, like Bondo, who live below the level of subsistence, do not cater to all their needs, barely meeting their consumption demands to satisfy hunger. The Bondo, who live in a social group, have to fulfill several obligations and in order to meet these they often part with their movable and immovable assets with utter distress.

Among Bondos, the corporeal assets, such as, land, trees, livestock and ornaments preferably of gold and silver are considered as most valuable possessions as these are the real assets which can be transacted either for cash or kind.

Property transactions are made through purchase, sale, mortgage and gift among the Bondo. Very few people among them possess wetland/terraced land and are regarded as wealthy persons, popularly known as *Sahukars*. These *Sahukars* can only purchase the properties of others.

Sale and Mortgage:

Among the Bondo, the practise of sale of fixed and movable assets is prevalent. Sale means permanent transfer of all rights over an asset through some kind of agreement for a stipulated price whereas mortgage means temporary transfer or right over an asset as a security against debt or loan for a stipulated period and on repayment of the loan amount, the rights over the property can be restored. In both these transactions, there is always involvement of two parties the buyer/mortgager and the seller/or the mortgagee.

The sale or mortgage is not restricted to community members only; it can be made to members of other communities residing in their locality. But generally, they avoid transactions with strangers or unknown persons and outsiders who by virtue of their job assignments come to stay in their locality for a temporary period.

The items of property, which can be sold, include valuable assets, like land, cattle, ornaments and trees. But generally they do not like to sell these assets immediately, and try to overcome the difficult situation through other means. When all the attempts fail, they resort to sale of any of these assets

quite hesitantly. These above mentioned items other than livestock could also be mortgaged at the time of need. Besides, they sell surplus agricultural products, seasonal minor forest collections, fruits, sago palm juice etc. mostly in the weekly markets for meeting daily needs. These items cannot be mortgaged, as these constitute perishable goods. Non-surplus items are also sold to meet emergency needs.

For various reasons such as for meeting the consumption needs of the family, payment of bride price, repayment of bride wealth during divorce, observance of magico-religious ceremonies, treatment of diseases and for fighting criminal cases in the court, they often sell or mortgage their valuable assets and durable goods.

Before sale or mortgage, the prices are negotiated between the two parties. Among them, middlemen are not appointed to play any role in such kinds of transactions. Transfer of the property takes place only after the price so fixed is paid to the seller or mortgager in cash or kind or in both. Sometimes, the buyer, having good reputation may be allowed to make part payment of the value of the landed property and take possession of the property with mutual consent.

In case of mortgages, if cash or kind is advanced against non-productive assets, like ornaments, then higher rate of compound interest is charged on the loan amount. But when the mortgaged asset is a land or a fruit tree or a sago-palm tree, which is a productive asset, no interest is charged on the advanced amount. In this case the produce of those assets are adjusted towards interest money. Although the mortgager continues to remain as the owner of the property, the physical possession of the property remains under the mortgagee until the advance amount with interest is paid back to him in full. The mortgager under no circumstance can sell the property to some one else.

The sago-palm trees are the most valuable possessions of Bondos. It not only provides them with their most favorite drink, but also they earn substantially by selling its surplus juice. Ordinarily they do not mortgage these trees, but under dire circumstances having no other alternatives, they mortgage these trees. They follow a peculiar custom; a man having no sago-palm trees may cordially approach another man possessing it to share the juice with him.

A contract is made between the two persons and the man in need of such trees pays the stipulated price to the owner for permitting him the right to use. After the contract value is paid, the tree remains under dual possession of both the persons. The contract remains valid till the tree yields juice. When any one of the users dies, the survivor becomes the absolute owner of the tree. Under no circumstances, the mortgager can get back his absolute right on the

tree. Therefore, Bondos say, "everything given on mortgage can be freed other than *salap* tree".

Sale or mortgage are usually made by mutual agreement. Among them, those who are literate prefer to make written agreement or even registered deeds like it is done for valuable property transactions. In case of verbal agreement, the Bondo custom envisages that at least three witnesses belonging to three different generations must be present at the time of executing the contract.

In this context the following case studies are given as illustrative examples.

Case Study-15

A. Challan, of the village Bandhaguda shifted to Khairiput and settled down there. In order to purchase some land at Khairiput he, has mortgaged his *beda* land located at Bandhaguda to M. Mandra of village Dantipada for an amount of Rs.800/-. But, his son did not like to stay at Khairiput. He is now anxious to get back the land, so that, he could come and stay in Bandhaguda village.

Case Study-16

One L. Dhangada Majhi of village Bandhaguda has mortgaged all his lands to different persons to incur the expenses of prolonged treatment of his ailing wife and after her sad demise to observe her mortuary rites. He told that his wife B.Toki, who was pregnant had some gynec troubles and could not deliver the baby in his own village. Therefore, he took her to Khairiput hospital and then to hospital at Mathili for treatment. He spent about Rs.500/- on purchase of medicines, etc. required for her treatment. But his wife could not survive. For observation of her death rites, which is very elaborate and expensive, he mortgaged one *Pada* land to one S.Dangada Majhi for Rs.500/- and one *beda* land to B.Dhangada Majhi for one goat and some rice. Both the persons belong to village Bandhaguda. The mortgage contract was executed in the presence of three witnesses. L. Dhangada Majhi told that with the borrowed amount, he managed to give one goat and some rice to his deceased wife's brother who arranged a feast for his kinsmen. Besides, he slaughtered one bullock and gave a feast in his own village. L.Dhangada Majhi is now landless and took up wage earning for subsistence. He is frantically in need of some financial assistance from Government for redemption of his debt.

Case Study-17

One A. Dhangada Majhi of village Bandhuguda who married one lower Bondo girl did not like to settle in his own village. He made contract with one S. Muduli of village Mudulipada and paid Rs.1040/- towards the cost of one homestead plot located behind the Inspection Bungalow, Mudulipada. Since he has read up to class-V, he obtained a written receipt from S. Muduli in the presence of witnesses. He told that he would register the land in his name, after arranging the money required for registration.

Loan:

Loans can be obtained in cash or kind or in both with or without securities. Generally, small amount of loans required for meeting consumption needs of the family are preferably borrowed from persons of own lineage or any other affluent person of the same village. These loans are repaid after the harvest. In case a man needs bigger amount, he has to approach local private moneylenders known as *sahukars* and pledge securities such as, tree, land or valuable ornaments against such borrowing.

Loan is always advanced with interest. If the loan amount with interest is not paid within the lifetime of a debtor, his heirs have the joint responsibility to repay such loan.

Bonded Labour:

Even after four decades of country's independence, the system of bonded labour, a heinous practise of feudal regime, is still in vogue among some tribal communities of Orissa. It is such a inhumane act of slavery that in this a man helplessly mortgages himself/herself to another man to render service even for life long in order to repay the loan borrowed by him, his father or grand father.

Among the Bondo, when a man without any asset borrows money or when the borrowed amount with interest exceeds the value of assets under his possession, either he offers himself or any one of his son or daughter as bonded labour to the creditor as per the latter's choice.

Generally, the bondage continues lifelong. The services rendered by a bonded labourer to his master, counts toward the interest of the borrowed amount only, but the capital remains in tact. The bonded labourer cannot be free, unless the principal amount is paid.

In Bondo terminology the system of bonded labourer in general is known as *gufam*. A male bonded labourer is called as *gufam ram* and a female, as *gufam boi*. Both married and unmarried men and only unmarried girls can serve as *goti* or bonded labour. Generally, the *sahukars* prefer to take females as *goti* for various reasons as mentioned below.

1. According to the Bondo custom, the girl who serves, as *goti* cannot be freed from the clutches of her employer, even if the father/guardian of the girl is ready to pay back the amount borrowed.
2. Generally, the girls are more labourious and sincere in their works than the boys.
3. The most important reason behind it is that, a *goti* who happens to be a girl, leaves her employer's home after marriage. It is not her father

but the employer who is entitled to receive bride price, which is adjusted towards the payment of debts. Generally, the female bonded labourers do not marry through negotiation, as the employer does not like to free her from her services. But in case she elopes with her lover, heavy compensation is demanded from her husband, which is generally higher than the usual amount of bride price and it goes to her master.

A male *goti*, who is married, does not stay in his master's house unlike an unmarried boy or a girl. After attending the routine works allotted to him by the *sahukar*, he returns to his home in the evening. According to the Bondo custom, the employer pays some amount of paddy to him, once in every year after the harvest. The other categories of bonded labourers do not enjoy this facility, as they stay in the house of their masters. The common benefits which all of them get are free food, drink and clothings. Their employers, of course, provide the female *gotis*, with some ornaments.

The case studies cited below are relevant to the above facts:-

Case Study-18

One Y. Sisa, son of late G. Sisa, served as *goti* for nearly 8 years. Originally he belonged to village Andrahal, but now he is staying in his maternal uncle's village Bandhaguda with his mother and elder brother. He stated that when he was of 8 years old and staying in village Andrahal, one H. Sisa of his village, stabbed his father over a property dispute and later when he was under treatment, died in the hospital. The situation had forced his mother to borrow some money to meet the treatment expenses of his father including post-mortem expenses after death. Again, she had to borrow one bullock for the funeral feast. Since they had no land to repay back the loan, he became bonded labourer in the house of S. Sisa. After serving there for a number of years, the debtor, freed from bondage with the assistance of Government. After his release he came back to village Bandhaguda and now staying with his mother. While was working as *goti*, he could not marry. After being released from his bondage, he wanted to marry. But Bondo girls did not accept his marriage proposal, as he had grown old. Therefore, he decided to acquire a life mate by capture.

Case Study-19

This case study relates to A. Dhangada Majhi of village Bandhaguda who worked as *goti* in the house of S. Dhangada Majhi of the same village for one year as he could not repay the loan borrowed from the latter to pay the bride price. Some years back A. Dhangada Majhi married one S. Toki by capturing a divorcee of village Badapada. The previous husband of S. Toki demanded a heavy compensation from A. Dhangada Majhi for which the latter had to pay one bullock, one cow, two pigs and Rs.80/- to the former by borrowing money from S. Dhangada Majhi. Then, he served as *goti* in the house of S. Dhangada Majhi for one year after which he could get himself free with the financial assistance from Kharipur block under the programme of rehabilitation of bonded labourers.

Gifts:

Gift is nothing but a presentation of goods or things given to a person by another free of charge without any precondition or contract. Gifts establish intimacy and strengthen the bond of relationship between persons. Among the Bondo, the practice of gift transaction is very much prevalent. Both movable and immovable properties can be given as gift. Generally, gifts are exchanged among the affinal and consanguineal kins, *Moiter* friends and *Sorubhais*.

In a nuclear family, only the head of the household has right to make gifts. Other members of the family may give gifts, but in that case they have to take permission from the head. Mostly they do not like to dispose of the valuable properties, like land etc. by gifts. The common items gifted are animals, food grains and liquor. During the observance of marriage, death and other socio-religious functions they generally make gifts as per their capacity. Besides, when the relatives and *Moiter* friends visit each other's house they always carry with them some gifts. Generally the married girls, who come to help their parents at the time of harvest, return to their husbands' place with gifts of grain and liquor.

POLITICAL ORGANISATION AND ADMINISTRATION OF JUSTICE

Bondo settlements function as independent political units to provide protection to its members and safeguard their rich cultural traditions. Based on the rigid democratic principles, the customary laws and values are enforced among the people through their traditional village Panchayat. Each and every member who strongly abides by these rules, contributes substantially to the maintenance of peaceful and coherent social order. The customs, traditions, values and norms of the society are transmitted from generation to generation through the process of socialization and interaction among the individuals and groups and maintained by oral traditions.

At the village level, Bondos have their own traditional council, which is in charge of deciding intra-village disputes and looking after other village affairs. Over and above it, there is a confederacy formed of 12 villages to discharge functions of higher order, which cannot be settled at the village level. The villages namely, Tulaguram, Baunsapada, Kirsanipada, Gopurpada, Pindajangar, Mudulipada, Dantipada, Chedanpada, Bondapada, Bandiguda, Pandraguda and Kichhapada which constitute the *Barajngar des* are said to be the original Bondo settlements. Besides this group that constitute the most important Upper Bondo villages, the other two groups of villages fall to the Gadaba group and plain group. Mudulipada is said to be the capital of *Barajngar* group. The headman of this group of villages is called *Bad Naik* who is also otherwise known as Raja. The *Bad Naik* hails from *Bad Naik kuda* and belongs to Mudulipada village. The post is generally held for a period of three years and selection to this post takes place during the *Susu-gige* festival. The *Naiks* of all the twelve villages, who gather at Mudulipada during the festival, select the *Bad Naik*. The mode of selection of *Bad Naik* is same as that of the *Naik*, which is described later in this chapter. During the feudal regime he was the most powerful man in the Bondo country. But now he has almost lost his importance among the people.

The Bondo, generally speaking, are not deviants of their own rules. They follow the rules of exogamy, taboos on incest or adultery with utmost sincerity in order to avoid supernatural aggression and public criticism. They are by nature, simple and innocent, who in their hard toil from dawn to dusk, rarely find any time to indulge in any quarrel or dispute with others. To a

Bondo, his fellow tribesmen are not strangers to him. He is tied with some sorts of social relationship with each of them. Moreover, they are not that ambitious to grab other's wealth and women. They have high regard for their customary rules and social presumptions; therefore a Bondo feels proud to be called as *Remo*.

Village Functionaries:

In each and every Bondo village, there is a set of office bearers who work under different capacities to enforce and maintain law and order among the inhabitants of the village. They are, *Naik*, *Challan*, *Sisa*, *Disari*, *Pujari* and *Barik*.

Naik:

Naik is the secular headman of the village. He is a man of high prestige, power and authority. His post is achieved but not ascribed. Formerly the *Naik* was being selected from the *Bad Naik kudo*, but this practise has been stopped long since and persons of other *kudos*, capable of holding such post are appointed to the job. The attributes such as adequate knowledge and experience in customs and traditions of the society, high economic status, good character, personality and cordial behaviour, promptness and intelligence, ability to interact with outsiders, etc. are considered essential for selection of a man to this prestigious post. Besides, he should be a man of higher age group, preferably middle aged or old. Normally, the *Naik* holds the office for a period of 3 years after which he may again be reelected based on his competence and previous good work or another new man is elected to the post.

The appointment and reappointment of *Naik* takes place during the festival of *susu-gige* in the month of *Pusho*. For the consecration of seeds and the worship of *Potkhondo Mahoprobhu*, the *Naik*, designate is asked to sit on the *sindibar*. One of the elderly members of the village puts a mark of rice as well as vermilion on his forehead. Then, each of the adult males present in the function tie a cut-piece of a red cloth on its head. Following this *Sisa*, the village priest performs a ritual, before the *Potkhondo Mahoprobhu* by killing either a fowl or a goat. Then every one thumps the new *Naik* on his back and congratulates him. A *Naik* can also be removed from his post during this festival.

The main functions of the *Naik* is to maintain peace among the villagers and regulate their behaviour as per the societal values, norms and customs. Besides, he takes leadership in collecting contribution from the individual households for organizing communal functions and celebrations. He was, in the past, responsible for collecting land revenues required to be deposited in *Tahasil* office. He keeps account of the fines collected from the offenders, and when the amount becomes substantial, it is spent on communal feasts in which all villagers participate. When any Government official or outsiders visit the village,

he acts as the chief spokesman on behalf of the villagers. Being the most respected and important person of the village, he remains present in marriage negotiations, important celebrations, property transactions, etc. of the villagers. The *Naik* is allotted some wetlands for his valuable service to the village community.

Challan:

The *Challan* is the chief secular assistant of *Naik*. He belongs to Bondo community and his post is hereditary. Like the *Naik*, formerly the *Challan* belonged to only *Challan kuda*, but now persons of other *kuda* are also holding such posts. He assists *Naik* in discharging his functions effectively. The *Naik* gets the first hand information about any good or bad event that happened in the village through him. He also provides important clues to the *Naik* in revealing truth and detecting the real culprit. He is not paid any remuneration towards his service, but invited to participate in all communal feasts and festivals.

Barik:

The *Barik* is the messenger of the village who works according to instructions of the *Naik*. He enjoys the lowest status among the secular functionaries. He does not belong to Bondo tribe but to a scheduled caste community called Domb. Each and every village does not have a *Barik* of its own. Due to limited number of Domb families in the Bondo country, one *Barik* serves a group of villages. During the *susu-gige* festival appointment or reappointment of a person to the post of *Barik* takes place. Generally a person once appointed for the job works for three years, but if his conduct is not found satisfactory, at any time, he can be removed from the post even before the completion of his term.

The *Barik* is required to perform varieties of duties. As per the decision of the *Naik*, the *Barik* moves door to door to inform the villagers, the date and time of village council meetings. Besides, during the annual hunting expedition, he organizes the party and leads the team into the forest. Through him, messages are interchanged between the villages. In the event of any murder committed, he is called upon to run to police station to lodge F.I.R. He works as the attendant to the visiting dignitaries to the Bondo country. Besides, he functions as interpreter between the Bondo and outsiders in different situations ie, when anybody wants to have some information from the Bondo or at the time of trial of any criminal case in the court. In other words, the *Barik* acts as the middleman between Bondo who do not understand and speak Oriya properly and the outside world. In recognition of his service each household contributes some grains annually towards his remuneration.

Apart from these secular functionaries, the religious functionaries, like *Sisa* and *Disari* play important role in the Bondo society. In the meeting of the village council during adjudication of cases, their presence is not only essential

but due weightage is given to their suggestions also. The interdependence of both these groups of village functionaries ie, secular and sacerdotal, is very much marked among the Bondo while discharging their respective responsibilities. All of them work as a team.

Sisa or Pujari:

Every Bondo is a potential *Pujari*, as he performs rituals to appease deities and ancestors at his own home or at each and every festival, which does not involve much specialization and skill. But the person who specializes in the religious tasks and ceremonial performances and willing to shoulder the responsibility becomes the *Sisa* of the village. He performs rituals and sacrifices in all communal functions and public occasions. The office of the *Sisa* is not hereditary. Elwin who holds this view, stated, "the *Sisa*, as the village priest is called, may be deposed if he does not do his work properly and every year he has to offer himself, along with the other village officials, for reappointment."(1950:159).

Disari:

While the *Sisa* is the village priest, the *Disari* is the astrologer-cum-medicine man of the village. He also acts as village shaman. He enjoys higher position and is considered more important than the *Sisa*. His activities do not remain confined to one village only. If he is reputed for having a good knowledge in indigenous medicines and in curing diseases, he may be sought after by the people of neighbouring villages. He is believed to have possessed divine powers and is considered as the link between the living world and the alien world of evil and hostile spirits. His post is hereditary.

Sindibor: The Village Meeting Place:

The village council holds its meeting in a specified place, called *sindibor* conveniently located within the village under shady trees. It is a sort of raised stone lounge prepared under the shade of a mango or jackfruit tree. The platform is made of sufficient number of stone slabs arranged horizontally on the ground in a rough circle to facilitate sitting, and there may be other long stone slabs fixed vertically in a slanting manner along the border end of the circle to serve as back rests. Each and every village has a *sindibor* of its own, and the *sindibors* of different villages do not exhibit any definite pattern. In some villages these may be located at the centre of the village, while in others these are found at any other place. They also vary in number, shape and size from village to village.

The *sindibor* occupies unique place in Bondo social life and caters to multifarious secular and sacred needs of the Bondos. It is dedicated to *Burusung* deity, the Mother Earth. On every important occasion like before ceremonial

eating of new crops, fruits and during harvest operations, this deity is worshipped by the village priest, *Sisa*. Although the *sindibor* is considered a sacred place, it is used very casually. Commenting on the use of *sindibor*, Elwin says, 'there is no taboo on women, even on menstruating women, and men and boys are usually to be found lounging, chatting, bathing, cooking or lying fast asleep on one or other on the village platform' (1950:169). Besides, Bondos have found it a convenient place not only for making various tools and implements, but also for warming up in the chilly winter morning by sitting around the fire. The visitors are offered seats here for a chitchat. Among all its functions, the more important is its use as the meeting place of the village elders for discussion on different matters relating to activities and welfare of the village and for passing judgment on offenders.

Above all, the *sindibor* provides the common platform to mitigate differences and sort out problems through chitchats, arguments and discussions among the individuals and groups which develops togetherness among them in promoting village solidarity.

Traditional Village Council: Functions

All kinds of intra-village disputes are brought before the village council for solution. The council holds its meeting in the *sindibor* presided over by *Naik*, who with the help of other office bearers and knowledgeable elderly persons of the village decides each case on its merit after listening to the arguments and counter arguments of both the parties. Long ago, this village body was even deciding the cases of homicide, but after the establishment of Police Station at Mudulipada, these cases are reported there. The judgment delivered by the village chief is final and binding. Under no circumstances it can be challenged or revoked. But in exceptional cases wherein at a later date if it is proved that the judgment has been influenced by tampered then, it can be modified.

Adultery, rape, murder, violation of rules of exogamy, grievous bodily injuries, trespassing, killing of domesticated animals, encroachment of other's property, theft, black-magic, etc are considered as serious offences. In these cases the culprit is firmly dealt with and heavily punished. The minor offences include quarrel, scolding innocent persons in filthy language and physical assault without causing any injury, ill treatment to elders, deliberately allowing the animals to graze over other's land etc. for which the offender is punished lightly.

The Bondo believe that an offender may escape from the eyes of the human beings without being punished, but he is always subjected to supernatural aggression and punishment. A man who commits incest with his own or *soru* sister is believed to suffer from blindness, whereas a murderer becomes a patient of rheumatism and for black magic, the person responsible suffers from leprosy. They also think that if a person while committing sin is seen by another person, then some amount of pollution is transferred from the

real offender to the witness who is also subjected to anger of supernatural beings like the former.

But Patnaik and others while commenting on authority of the headman hold a different kind of view. According to them, "the village headman has less authority and goes by the consensus of public. During adjudication of case he only argues, submits the point of view of both the parties and persuades the people either this way or that way and never gives any order or verdict, which has no support of the public. (1984:54)

The Bondo laws are neither written nor codified. The offenders are punished according to their prescribed customary rules. Generally, the guilty persons are fined either in cash or kind or in both. The amount of penalty varies according to the gravity of the offence. The penalty collected from the offenders includes animals such as, bullock, buffalo, pig, goat, etc. The fines collected from the offenders are regarded as the property of the village council. With these collections feasts are organized in the village on different occasions. Their traditional village council is empowered to excommunicate the offenders considering the gravity of the offences. For petty offences, warning, threatening, ridicule, etc, are the prescribed punishment.

Normally, guilt is established through oath and ordeal. The accused is asked to take oath in the name of *Patkhanda Mahaprabhu*, their supreme deity and confess the truth to establish his innocence. The other means for revealing truth is done through cross-examining the witnesses and interpretation of circumstantial evidences.

Bondos were well known for their homicidal tendency. They are by nature, individualistic, freedom loving, aggressive and independent minded people. Added to these, their excessive drinking habit, carrying of deadly weapons always with them, bad temper, endurance and patience, suspiciousness, fear of supernatural powers, poverty and hardship, etc., keep them always under a state of mental irritation. Therefore, for petty incidents, which could have been ignored by a normal individual, they do not hesitate to commit major offences, like homicide or physical assault causing serious injuries to another person. It is worthwhile to mention that, whenever a Bondo commits any crime, he must be heavily drunk. Otherwise, a Bondo without any toxication is a nice person.

The motives for committing offences like murder may be due to disputes over property and marriage, domestic quarrels, fear of prosecution, sorcery, revenge and other unmotivated quarrels.

The case studies cited below reveal the situations, which provoke Bondos to commit offences.

Case Study-20

Unmotivated murders in a drunken state:

One C. Muduli, son of S. Muduli of village Mudulipada, who has two wives, is one of the few rich persons among Bondos. He murdered one S. Sisa of village Sileiguda, with whom he had no previous enmity. The incident happened years back in the month of January. During the harvest of *ragi*, one day, both C. Muduli and S. Sisa went to the hillside to drink sago-palm juice from the tree owned by the former. They were heavily drunk and while returning back to their respective villages, on the way, they quarreled under intoxication for unknown reason. As a result, C. Muduli killed S. Sisa by shooting arrow at him. After the incident, the matter was reported to police and C. Muduli was imprisoned.

Case Study-21

Murder for Dispute over Cattle:

This case study relates to another incident of murder relating to dispute over grazing of cattle. In village Bandhaguda, one A. Dhangada Majhi, son of M. Dhangada Majhi was in charge of herding cattle for that day which was a Friday. When he returned to his village with the cattle in the evening, it was found that a goat belonging to one S. Dhangada Majhi was missing. When A. Dhangada Majhi was asked about this, he told that the goat was taken away by some wild animals in the jungle. After one week, on Saturday, when the turn of S. Dhangada Majhi came for herding, he took the cattle to jungle and when he returned in the evening it was found that the bullock of A. Dhangada Majhi was limping. A. Dhangada Majhi got angry with this and refused to take the limping animal and demanded a good one from S. Dhangada Majhi. As per the discussion made between them, S. Dhangada Majhi took that limping bullock and in exchange gave one good bullock to him by purchasing the same from Mundiguda market on payment of Rs.760/-. Then after 8 days or so, A. Dhangada Majhi forcibly took away another bullock from the house of S. Dhangada Majhi saying that he was not satisfied with the bullock given to him as the it was not as good as the bullock owned by him previously. Since, S. Dhangada Majhi is a boy of 15 years age, he reported this to his elder brother B. Dhangada Majhi, who interfered and told A. Dhangada Majhi to return the bullock forcibly taken from his younger brother as he has already given him one. When A. Dhangada Majhi refused to return the animal, there occurred a nasty quarrel between the two. As both of them were fully drunk and the time was evening, A. Dhangada Majhi could not control himself but suddenly stabbed B. Dhangada Majhi and killed him on the spot.

Case Study-22

Breach of Contract:

One O. Badnaik was working as a bonded labour under S. Sisa as he had no other means to pay the money borrowed from him. Both of them belong to village Badpada. O. Badnaik is an orphan and once while he was holding the radio of M. Dhangada Majhi of village Bandhaguda, it slipped from his hand and fell down. M. Dhangada Majhi charged him Rs.500/-, which he paid to him after borrowing from S. Sisa. After working for about six months O. Badnaik

demanded a *lungi* and a shirt from his employer who refused to comply. Then, O. Badnaik quarrelled with his employer and refused to work under him further. He also demanded that he might be paid at the rate of Rs.15/- per day for the entire period of six months. S. Sisa became angry about such demand and one day while he was dead drunk shot arrow at O. Badnaik and injured him. The case was handed over to police.

Case Study - 23

Dispute over Property:

In the village Podeiguda, A. Dhangada Majhi, son of H. Dhangada Majhi and Y. Dhangada Majhi, son of A. Dhangada Majhi are parallel cousins. A. Dhangada Majhi was enjoying the property of the D.Dhangada Majhi, the 3rd younger brother of his father who died without any heir. The latter was not giving any share to Y. Dhangada Majhi when he was young. But when Y. Dhangada Majhi grew up and demanded his rightful share, A. Dhangada Majhi quarreled with him and killed him when he was in a drunken state.

Case Study-24

Domestic Quarrel:

Years ago, one P. Kirsani, son of M. Kirsani of the village Podeiguda was beating his wife S. Toki during the festival of *Chait Parab* due to some domestic quarrel. When he was beating his wife, another person named, S. Mandra of the same village went to his house and told him not to beat her, and otherwise he would report the matter to the father-in-law of P. Kirsani. Incidentally, both the persons have married in the same village Bodbel. P. Kirsani, who was drunk, got angry over such threatening, and stabbed S. Mandra with a knife. Immediately after stabbing, he ran away to Bodbel to his in-law's house for his safety. S. Mandra was then hospitalized for about a fortnight and got cured by spending about Rs.1800/-. The father of P. Kirsani wanted to effect a compromise to the issue, and as per the decision of the village council the offender paid one plot of *beda* land and one bullock to S. Mandra as compensation. Besides, both of them jointly contributed another bullock for a feast for the villagers.

Case Study -25

Dispute over Cattle:

The incident relates to killing of a cow, which happened during the year 1992 in the month of November. One L. Kirsani of Podeiguda village hired a cow for threshing paddy from L. Muduli of Mudulipada village. After threshing while he was coming with the cow to return it to its owner, the cow went into the crop field and started grazing over a plot of *Pada* land with standing ragi crops. That piece of land belonged to one A. Dhangada Majhi of village Bandhaguda who was also doing some work there. On seeing the cow grazing over his land he got angry, shot an arrow to the animal instantly and killed it on the spot. After being informed about this, L. Muduli came with some of his villagers and demanded a cow from the killer. But A. Dhangada Majhi refused to accept their demand, instead, claimed compensation from them towards the damage of his crops.

Next day morning, when A. Dhangada Majhi was away from home, L. Muduli came with some men and took away three cattle from the former's house.

Then, A. Dhangada Majhi went to village Mudulipada with some men of his own village for a settlement of the dispute. It was finally decided that A. Dhangada Majhi would give a cow to L. Muduli. After M. Dhangada Majhi promised before the *Patkhanda Mahaprabhu* to this effect, L. Muduli returned him his cows. Then, the meat of the cow, which was killed, was distributed among the elderly persons of the two villages. Besides, A. Dhangada Majhi paid Rs.5/- to the village council members of Mudulipada as a token fine.

Case Study - 26

Sorcery:

This case study relates to one D.Kirsani of village Bandiguda who had two children. But both of them died one after another due to some disease. The people in the village told him that his sons died because C.Kirsani of the same village performed black magic. C.Kirsani was well known in the area for his knowledge in the art of sorcery and black magic. D.Kirsani almost believed this. One day while he was returning from the Mundiguda market dead drunk, the death of his children came to his mind and in order to take revenge he immediately took his bow and arrow and rushed to the house of C.Kirsani and searched for him. C. Kirsani was not at home at that time, but an orphan boy named S. Challan of village Andrahal who was staying with him informed D.Kirsani that C.Kirsani had not returned from *dongar*. D.Kirsani told S.Challan to go to *Dongar* and call C.Kirsani, as he wanted to see him. But S.Challan refused to go, rather told D.Kirsani to go to *Dongar* himself if he had any urgent work with him. This made D.Kirsani angry, and he immediately shot an arrow to S.Challan, which pierced the right side of his chest. Thereafter, he went away telling S.Challan not to reveal anything to C.Kirsani. Later on, late in the night, C.Kirsani was informed about the incident. Next day, C.Kirsani took S.Challan to hospital for treatment where he died. A case was registered in Mudulipada police station. The matter did not end there, the people of Bandiguda expelled C.Kirsani from the village and he is now staying at Chhallanpada in one of his relative's house.

Case Study-27

Trespassing:

In village Badapada, one M.Kirsani had kept sago-palm juice in an earthen container at the foot of the tree in the *dongar* for sale in the Mundiguda market. Another O.Kirsani of the same village saw this while he was passing by. He could not resist his temptation but drank the juice from the pot. But to his misfortune, some people could see this happening and they informed the owner about such trespassing. On knowing this, B.Kirsani, the younger brother of M.Kirsani caught hold of the culprit and told him that since they had no money, the liquor was kept for sale and why without their knowledge he drank it? C.Kirsani did not admit the charges levelld on him and refused to pay any money. The quarrel between the two took violent turn, when O.Kirsani pierced a sharp knife into

the chest of B.Kirsani. The injured was taken to the hospital and he survived. Then the case was handed over to police.

The analysis of the above case studies reveals many interesting facts about the Bondo criminality as mentioned below:-

1. For petty offences and mistakes, which could have been easily solved through discussion, crimes of serious nature are committed.
2. A person at the time of committing crime is found to be in a drunken state and the time sequence of occurrence of such crime is evening.
3. In most cases, instead of causing harm to the person at guilt, the innocent person who wants to settle the dispute through negotiation is either killed or seriously injured. This shows the inconsistency of their mind, aggressiveness and lack of judgment capacity.
4. Although traditional village council exists in each village, these organizations in most cases have failed to play any effective role in preventing the people from taking law in to their own hands.

The political organization of the Bondo has undergone transformation and changed over the years. After the establishment of Police Station at Mudulipada, all cases of murder and disputes resulting in physical assault and injuries are being reported to Police Station before the traditional village councils take notice of such incidents. Besides, after the introduction of Panchayat Raj system, the ward member has started functioning in each and every village, but ironically, he in attitude, behavior and work follows more of traditional values than modern.

PERSISTENCE AND CHANGE

No culture in this world is static. All cultures change; some with greater speed, and others in a relatively slow pace in different times and places. Culture change is rapid in complex societies than the primitive ones, since there are more alternatives. Cultures change through external contact, direct or indirect, and borrowing from other cultures or else by internal invention and development. While accepting the innovations and new cultural patterns from alien cultures, the societies carefully modify these in such a manner that they suitably fit to their own system. In this context, Barrow says, "A highly integrated culture may resist change. On the other hand, once new patterns are accepted in such a society, culture change may rapidly take place, with factional splits developing in the process. Vested interests and ideological traditions may either resist or encourage such a change." (1979: 388)

Among the tribes of Eastern India, Bondos are considered one of the most primitive tribes, due to their relative isolation with the outside world. They are by nature; tradition bound and show a considerable doggedness in adhering to their own cultural values. Even after independence, for a considerable length of time, they remained confined to their own habitat and surroundings, except once in the weekend when they come down to plains with their produce to market it to the traders through barter. This was the only opportunity for them to be in touch with the outsiders.

Of course, on rare occasions, they were coming in contact with certain visitors who dared to visit their country with lot of inquisitiveness to know about them. Otherwise, for two reasons they remained mostly alien to outside world. Firstly, access to Bondo country was not easy for many years. The only route was the 13 K.Ms long zig-zag foot path and one has to climb several hills and pass through dense forests infested with wild animals to reach their picturesque valley. The other reason was nothing but some highly exaggerated and cooked stories about their criminal behaviour and homicidal tendency which raised unnecessary suspicion, uncertainty and fear in the minds of general public that prevented them to visit their country. Bondos were, then, dreaded as wild animals. But, the other side of the fact is that, till this date, there is hardly any incident, when a Bondo has killed any stranger or visitor within and outside their country. Other factors, which favoured them to maintain cultural stability, are their limited number and confinement to one territory. They are very few in number and found only in the Khairput block of Malkangiri district.

Agencies of Change:

Prior to independence, Bondos were not exposed to outside world at all. They were leading a secluded life within their own territory. Even, their neighbouring tribes, like the Gadaba and the Didayi with whom they have intimate relationship through ages could not be able to make any impact on them. After independence, Panchyati Raj system was introduced in the country and T.D. Blocks were set up in the tribal areas. The Block Headquarters located at Khairiput covers the area inhabited by Bondos. The programmes of the Block mostly aimed at economic development of the tribe, but those had some impact on them.

During the Fifth Plan period emphasis was given by the Government for identification and development of primitive tribes in the country. This resulted in setting up of a Micro Project in Bondo area to look after their socio-economic development. This is the first Micro Project named Bonda Development Agency (BDA) set up for the development of a Primitive Tribe. The project, which started in the year 1976-77, has since completed more than three decade of its existence. Adequate funds, staff and autonomy were provided to the Agency for formulation and implementation of different need based socio-economic programmes to bring about all round development of the tribe and the area. Besides, one ITDA was also set up at Malkangiri covering a macro area, which also covers the Bondo country for implementation of developmental programmes. Prior to the establishment of the Micro Project, one Ashram School, one Ayurvedic Dispensary and one Police Station were functioning at Mudulipada. Among all the public institutions, the Sevashram, that was established in the year 1959, was the most important agency of social change. The establishment of so many public institutions brought many outsiders including the government servants to the Bondo country to stay there with their families for a longer period of time. These people in course of their stay and work became friends through their interaction with them and introduced innovative ideas among the native folk. Besides, those Bondo who have returned from Assam and jail have acted as agents of change. Further, the works of Christian Missionaries and Voluntary Organizations have also influenced the social life of the Bondo.

Change:

In spite of the influences of various alien forces, changes among the Bondo are not so remarkable as found among some other tribes of Orissa. Perhaps, this is the only tribe who has managed to keep their core culture almost intact in spite of continued outside interference and development intervention. Changes have come about at a much faster pace in their habitat and surroundings, than among the people themselves. The Bondo hill, which was once densely forested and rich with wild animals, has been completely devoid of vegetative cover due to repeated practice of shifting cultivation.

There exists hardly any virgin forest except stray patches here and there. This has given rise to devastating consequences. Now the people have to cover comparatively more distance for collection of firewood, other minor forest produce and grazing of the animals. Extinction of animal fauna has also considerably affected the protein intake of the people. Further, environmental degradation has resulted in scarcity of water in the Bondo country both for the purpose of irrigation of low lands and drinking.

In recent year, the Bondo culture and economy have undergone transformation under the impact of external agencies and internal inventions. Changes are more conspicuous and striking in the economic front than social sphere. Due to the concerted efforts and extension work of the Government Agencies, of which the B.D.A. Mudulipada deserves special mention, some innovations could have been successfully introduced among the Bondo in the fields of agriculture and horticulture. Now, the people have adopted cultivation of high yielding varieties of paddy, wheat and potato. In the cultivation of ragi, many people are now following transplanting method in preference to their traditional style of broadcasting, as the former is found to be more economical and profitable. A few of them are now practising double cropping in the suitable patches, besides growing spices like ginger. The use and utility of chemical fertilizer and pesticides is no longer unknown to them. In the field of backyard plantation and kitchen gardening many new varieties of vegetables have been successfully introduced. They are now growing vegetables, like cabbage, tomato, radish, and arum etc. The fruit trees, such as lemon, orange, banana, *lichy*, guava, *suppeta*, etc are now much popular among them.

Their social life, which is guided and regulated by their deep-rooted customs, traditions and values, has more or less remained unaffected from the modern trends of civilization. However, they have changed considerably in their attitude and outlook. An outsider is no more looked as a stranger and greeted with shower of arrows. They neither flee away to jungle nor hide in their houses on seeing him. Rather he is received cordially and all gather around him at *sindibor* either to answer his queries or to put forth their demand before him.

The Bondo are now seem to have changed their outlook in adhering rigidly to certain customs and practices. In spite of their strong belief that their race would extinct if the ladies do not remain half-clad and shave their heads, some parents have allowed their daughters to grow long hair and wear *saris* in some villages located close to Mudulipada. But when these girls will go to their in-law's house after marriage, they have to shave their heads and wear traditional dress and ornaments. Otherwise, they have to remain as spinsters throughout their life.

Among Bondos, certain changes are noticed in their dress and ornaments over the years. The women of well-to-do families are now wearing ornaments made of silver and gold. Men, particularly of younger generation have started wearing shorts and shirts. In chilly weather they cover their bodies by woolen shawls. Those who have returned from Assam are even wearing coats.

Unlike the Kandha and the Saora, the Bondo are fortunate that they are free from exploitation by outside agencies. But their own men, the rich exploit the poor. Although goti system has been abolished by law and there is provision made by Government for rehabilitation of bonded labourers, yet due to lack of awareness and fear of harassment by the employer, the victimized persons were not coming forward for help. But, now the situation has started changing slowly. Many bonded laborers have been made free and suitably rehabilitated. Although the practice is still in vogue, but these incidents are becoming lesser day by day.

The patriarchal structure of the society is still in tact among Bondos. Like that, the rules of exogamy, inheritance and descent have not changed. Due to the improvement of economic condition and rising of consciousness, marriage by capture is less frequent among Bondos than before; as such kidnapping of bride often leads to quarrel and conflict among two groups resulting in loss of human life. Some changes have also been noticed in their customary practice involving transaction of property. In sale and mortgage of valuable fixed assets like land, some of them particularly those who have some education, are going down the hills to make their document registered.

Education is not only a key factor to human resource development but also it induces individuals to accept innovations without much resistance. To provide facilities of education to Upper Bondo children, a Sevashram was established at Mudulipada during the year 1959 and after two decades of its existence it was upgraded to Ashram School (M.E.School). Finally, during the year 1988 it was converted to a High School. The intention behind the establishment of such a school could not be fulfilled for many years, as hardly any Upper Bondo children availed such facility. But now the position has somewhat changed. It is quite encouraging in consideration to the fact that during the year of 1992-93 out of total enrolment strength of 231, as many as 131 belongs to Bondo community. More over in the mean time a residential Kanyashram (M.E. School) has been established at Mudulipada to promote the education among tribal girls. If this trend continues, some achievement in the field of education could be made in the future years.

Bondos have a very strong traditional political organization to manage their internal problems. But after the establishment of a Police Station at Mudulipada, the judicial role of the traditional village council is considerably weakened. Today all cases of murder and assault are reported directly to Police Station and the poor fellows are subjected to complications of modern legal system. Due to lack of knowledge about modern jural system and different penal provisions of modern law and shortage of money to fight such cases in the court, they have no other way but to remain helpless with lot of worries and anxieties.

The customs and traditions of the Bondo do not provide any scope for development of aggressive behaviour and homicidal tendency among them. Rather, it is their individualistic attitude to life added with such other factors as isolation, excessive drinking habit, practice of carrying deadly weapons, short temper, lack of endurance and patience, constant struggle with an unyielding environment that shape their character and personality to develop such an attitude in them. Otherwise, they possess many virtues and good qualities required to be an ideal individual in the society.

PART - II

**KUTIA
KANDHA**

Sarat Chandra Mohanty

SOCIO-CULTURAL PROFILE

The Kutia Kandha constitutes a primitive section of the most numerically preponderant Kandha tribe in Orissa. They inhabit a contiguous pocket comprising the Belghar area of Baliguda sub-division in Kandhamal district, Chandragiri area of Gunpur sub-division in Rayagada district and Lanjigarh area of Kalahandi district. In Baliguda sub-division they are found in Belghar, Guma, Lankagada and Jhiripani Gram Panchayats of Tumudibandha block and in Subarnagiri area of Kotagarh block.

Their habitat is a wild, rugged, hill and forest-clad highland country situated at about 2500 feet above the sea level. The total geographical area is about 900 sq. miles. The main concentration of the Kutia Kandha lies in the Belghar area, which is located at a distance of 150 Kms. from Phulbani – the district headquarters of Kandhamal, 68 Kms. from Balliguda sub-divisional headquarters and 28 Kms. from Tumudibandha, block headquarters. Belghar is accessible from Tumudibandha through a steep and circuitous metalled *ghat* road connecting Belghar to the Phulbani-Koraput main road at Tumudibandha. There is another road from Ambadola in Rayagada district linking Belghar with Muniguda. The distance is 32 kms. Both the roads are jeepable.

The Kutia country experiences more or less a tropical climate. Because of its elevation and dense forest cover the climate is unhealthy but cooler even during summer months. May is the hottest month. A network of hill streams runs in various directions. These streams serve as the main water sources for cultivation and domestic consumption for the inhabitants. But the climate is highly malarial. The typical tropical forest species abundantly found in this area are *sal*, *teak*, *bija*, *pia-sal*, *kusum*, *kendu*, *gambhari*, mango, jackfruit, and bamboo etc. The wild animals, like tiger, leopard, elephant, bear, jackal, deer, *sambar*, wild goat, wild pig and peacock roam freely in this forest area.

There are sixty-eight Kutia Kandha villages in Belghar area comprising Belghar and Guma Panchayats, which are now covered under the Micro Project, the Kutia Kandha Development Agency (KKDA) headquartered at Belghar. In these villages, at the time of study, there were 991 Kutia Kandha households with a total population of 3961 individuals including 1908 males and 2053 females. This shows that females outnumbered the males. The level of education was very low i.e. 11 per cent at the time of study. It is lower than the level of literacy for the whole tribal population of Orissa, which was 13.9 per cent in 1981 census.

According to a socio-economic survey conducted by SCSTRTI and KKDA, Belghar in 2007 for preparation of Conservation-cum- Development Plan for Primitive Tribal Groups (PTGs) for The 11th Five Year Plan, the number of households, population and level of education of the Kutia Kandha in the 68 villages of Belghar area have increased to 1325, 5524 (2658 males and 2866 females) and 25.83 percent respectively in the mean time. The trend of sex ratio has been the same (1078 females for 1000 males) indicating the fact that the females outnumber the males. Their male literacy has increased to 37.96 percent and female literacy, to 14.58 percent.

The gallant British Army Officer, Major General John Campbell had given a vivid account of the Kandhas and their country during 19th century in his famous book *A Personal Narrative of Thirteen Years Service amongst the Wild Tribes of Khondistan* (London, 1864). He wrote, "Much of the Khond territory is little better than a wilderness, although it comprises some thousand square miles, where valleys and stretches of level ravines occasionally intersect the forest of thick brush wood... The highest elevation is not more than three thousand feet... the Kandhas bear no resemblance whatever to the inhabitants of the plains. They are of a much darker complexion, strongly bronzed and their language differs from that of all the other tribes, and is not in the least comprehended by their low land neighbours. I should imagine that they had been driven from the plains, centuries ago by successive conquerors and had sought refuge in the distant hills, for though their language is a distinct dialect, there are words having both Telingah, Canaries and Oryah origin ... These wild tribes are the descendants of the aborigines of the whole country. In their religion we find traces of primitive elemental worship of the Vedas... sacrifice is the foundation of their religion... as a rule, they are generally active, wiry and agile, while but imperfectly acquainted with the value of cleanliness... They are exclusively devoted to liquor and tobacco... they are passionately fond of hunting and pursue the sport with eagerness and ardour found only amongst the people of the forest... (and) are exceedingly expert at tracking game and running down wild animals".

About their clothing Campbell observed, "...their clothes consist merely of a few yards of cotton cloth bound around the loins, ornamented with a separate piece stripped with red and dangling behind like a tail. Their thick black hair wound round and round their heads, is fastened in front by a knot, over which is tied a strip of red or other clothes ... Khond women are scantily clad as men. They partake of prevailing weakness of their sex- an intense love of ornaments and finery. Coloured beads are highly prized and generally used as well as rude and heavy description of brass bracelet worn on their arms and ankles"

Rowney (1882) had described Kandhas as "a wilder race even than the Gonds and Bhills....The men are well framed, of a good height, good looking and remarkably active but women are short in stature and very plain. In color,

they are all much fairer than Gonds but varying in hue from that of copper to yellowish olive. In the upper elevations, both sexes for the most part go naked and when pinched by cold, alleviate its excess by making fires... The only covering worn by the men in the lower elevations is a coarse cloth wound round the loins in such a manner as to make the end hang-down round behind as low as flaps of a coat, while head dress is formed by hair being rolled up like a horn... The ornaments in use are brass rings worn on the ear by both sexes and also on the nostrils by women, the latter likewise wearing necklaces, armbands and anklets either of brass or colored beads".

Thurston had cited the following observations of W. Francis in the *Gazetteer of the Vizagapatam District, Vol.-1 (1907)* about the Kutia Kandha. "The only really primitive Khonds in Vizagapatam are the Dongria (Jungle) Khonds of the north of Bissamkatak taluk, the Desya Khonds who just live south-west of them, in and around the Niamgiris, the Kuttiya (hill) Khonds of the hills in the north-east of Gunupur taluk. The Kuttiya Khond men wear ample necklets of white beads and prominent brass earrings, but otherwise they dress like any other hill-people. Their women however have a distinctive grab, putting on a kind of turban on state occasions, wearing nothing above the waist except masses of white bead necklaces, which almost cover their breasts, and carrying a series of heavy brass bracelets halfway up their forearms. The Dhangadibasa system (separate hut for unmarried girls to sleep in) prevails among them in its simplest form, and girls have opportunities for the most intimate acquaintance before they need inform their parents they wish to marry. Special ceremonies are practised to prevent the spirit of the dead (especially of those killed by tigers) from returning to molest the living. Except totemistic septs they have apparently no sub-divisions". (1909: 357- 415)

He had also quoted the descriptions of the Kutia Kandha from '*Madras Mail*' (1986). "Distinguished amongst even that wild horde for savagery were the Khonds from the Kuttiya country, who live on tops of hills... They are remarkable for their enormous quantities of frizzly hair tied in huge chignons over the right brow, and decorated with feathers of every hue the jay, the parrot, the peacock and the white quills of the paddy bird predominating".

N.A. Wattes in his famous book *The Half Clad Tribals of Eastern India* (1970) wrote, "Much of the (Kuttia) area is virgin forest in which herds of elephant roam freely and bears and tigers around... the Kuttia Kandhas are believed by their neighbours to be expert practitioners of black arts and adepts at transmogrification. All this considered with their evil reputation of human (Meriah) sacrifice and infanticide represented them as wild and dreadful as the country in which they live".

As regards their dress and ornaments he had observed, "A child is adorned with bead necklaces and aluminum bracelets shortly after it is born.

Apart from these trimmings, it roams about, innocent of clothing until the age of six. Thereafter it wears loincloth ... A boy ties his hair with a brass chain so as to make a pony tail or a knot. At one end of the brass chain is attached a tiny wooden comb and at the other is a slender three cornered hairpin, both of which are stuck into the hair. He combs the front of his hair forward into a neat fringe. He generally wears one or two small brass earrings, one in the lobe and the other in the upper part of the ear. A necklace of beads or a single brass chain is worn around the neck. Aluminum bracelets on his wrist and a single bangle on each upper-arm may also be worn. His loincloth is white and hangs down the front to form a flap. Tucked in at his waist is a tube in which is kept tobacco for chewing. This tobacco-tube is made from the single node of a bamboo and is carefully decorated by horizontal hatching, rows of lozenges, or teeth, which are engraved all down its length... A girl parts her hair in the middle and with the help of a ball of string or false hair, arranges the back of her hair into a bun. A brass chain is passed around the top of her head and tied below the bun to keep her coiffure secure. Supplementing the function of this brass chain is a hair-pin, comb and chain that are the same as that used by a boy. Bunches of brass rings are passed through a hole in the fold of the helix. The lobe of the ear may be decorated by a single brass ring or large brass button. Projecting from the wing of each nostril is a brass pin, and a single brass ring is passed through the septum of her nose. Bead necklaces, often patterned in floral designs, are worn around the neck. More than half her forearms are lavishly covered with a series of brass or aluminum bracelets. Sometimes a few ornamental brass bangles are also worn on the upper-arm. Aluminum anklets may be worn. Rings are worn. Not usually on the fingers, but on the toes. An apron is suspended from her neck by a length of cord (once she has had her first child this appendage is usually discarded), around her waist she wears a girdle of white cord made of bark fiber. The cord is of great length and wound several times around the waist to constrict it and also to serve as a bustle. A single cord passed around the waist is used to tuck in the apron. The skirt is knee length and is usually white or patterned with dark red vertical stripes". (ibid)

The Kutia like other subsections of the Kandha tribe are a Dravidian people bearing racial affinity with Proto-Australoid stock. Their skin colour varies from light brown to dark brown. They have medium stature, broad head, broad nose, broad face and curly hair. Their life in the natural environment has endowed them with a sound physique and cheerful disposition. Kutia men grow long hairs tied in a knot. Some Kutia men shave their heads. They are quite fond of using a variety of ornaments as narrated above. Men wear bead necklaces and silver or aluminum bracelets. "The dress of a male while working is a loin cloth of one and half cubits and less than a foot broad when the upper part of the body is kept completely bare... Kutia use a simple wrapper when they feel cold. The upper garment of a female is a handloom cloth, thrown over in front and held at the neck by means of a knot. It hangs down right up to her knee keeping the back completely bare. The lower garments consist of two

pieces. The first is a loincloth, which passes between the thighs to the back where it is tugged with a waist string. The second piece is a skirt wound round the waist and then extends up to the knee... On special occasions the headgear is used. Coloured turban is used by the groom during marriage... the ornaments are either made of silver, gold or glass. The ladies fix hairpins in their bun. The ears as well as nose are similarly pierced at an early age for this purpose. Wooden comb is fixed in their hair knot. Some of them are using nose and earrings made of gold on both the nostrils. They use glass bangles and necklaces of coloured beads... The rings, which are brass made have a pointed design over them, which are known as 'Kutti' and used irrespective of sex... Women always keep their hairs neatly combed and decorated. They use 'kusum' oil which they themselves extract locally from 'Kusum' seeds. Tattoo marks are also seen on the face and hand of the women. These are usually made of various designs on face, chest and on the hands. It is believed that tattoo marks only go with the persons after death" (Patnaik, 1989: 14-16).

The Kandha are a Dravidian tribe and they speak Dravidian dialects. The Kutia being a section of the Kandha speak a Dravidian dialect called "Kui". It has considerable resemblance with Telugu, Tamil and Kanarese in grammar but not to Oriya. However, due to prolonged contact with the neighbouring Oriya people, some Oriya words have entered into their dialect. But it has little impact on Kui grammatical forms and idioms. Thurston (1989, 357) wrote "...the name which they use themselves is 'Ku' and their language should accordingly be denominated by 'Kui', and therefore "the tribe call themselves 'Kuiloka' or 'Kuienju' which may possibly be derived from 'Ko' or 'Ku', a Telugu word for a mountain" (Russel & Hiralal, 1916: 461-465). Thus the Kutias as 'Kuiloc' not only speak Kui but they also live, in the mountains.

The origin and past history of the Kutia are still obscure. Russel (1916, 465) believed that "...their own traditions as to their origin are of little historical value, but they were almost certainly at one time the rulers of the country in which they now resided". "They believed themselves to have existed in Orissa from the beginning. Their forebearers were probably driven from their homes on the richer coastal plains of eastern India during the Aryan advance. Preferring hardship to the less of independence, it is thought that they were forced up into the wild hill tracts of the Eastern Ghats many centuries ago" (Boal, 1982: 1).

"Their superstitions, beliefs and practices have made them well known to the world outside. But the thrones and thickets of the wilderness and the unhealthy climate which as notorious for malaria and backwater were deterrent to any free access to the Kandha country and to have firsthand knowledge about the tribe. However, as the time passed by and road communication was developed, entry into the Kandha area and contact with the tribe became possible. Scholars like Dalton, Risley, Thurston, Russel and Hiralal have left

behind a few pages about the Kandha in their published works. But much of these writings have been reproduced over and over again. Thereafter there have come out articles and notes on some aspects or the other of the tribe in the census reports and scholarly journals," (Bhujabal, 1982: 1). Recently some books such as 'The Kandha' by Barbara, M. Boal and the Kandha by N. Patnaik have been published which contains some ethnographic account of the tribe.

The British officers namely Campbell and Mc Pherson came in contact with this community as early as the middle of nineteenth century when they were deputed to suppress the practice of human sacrifice in the Kandha society. Their reports serve as valuable source of information regarding the community. Russel was the first person who through his report brought the barbarous practice of human sacrifice and female infanticide of the Kandha to the notice of the Madras Government in 1986. Elwin was the first anthropologist in this country who wrote about the tribe in 1943. In 1964 Niggemeyer, a German Anthropologist had published a detailed ethnographic account of the Kutia Kandha in German language.

Russel holds the view that "the Kutia Kandhas are hill men and retain their tribal customs... The Kutia or hill Kandhas are said to be so called because they break the skulls of animals when they kill them for food; the word Kutia meaning one who breaks or smashes". In the Kandha dialect the term "Kuti" means hole. There is a legendry tradition among the Kutia explaining that they had been originated from a hole on the earth. According to the legend their supreme God, *Sapangada*, the Creator, appeared in a place near Guma village (a Kutia settlement) and created the earth, forest, animals and human beings as well as some other Gods and Goddesses to look after the worldly beings. The human beings who came out from the holes later became tribals (Kandhas), Harijans (Panos) and Oriyas according to their deeds, habits and occupations. Since they had originated from the holes or *kuti* they are called 'Kutias'. Now the holy place of appearance of *sapangada* is covered under forest. A hereditary Kutia priest called *Buduka* worships the God annually in a big communal festival named *sapangada jatra* held during January-February.

Kutias live in low roofed houses. The floor inside is dugout to make up for the low roof so that the floor level is lower than the ground level and one has no difficulty for standing erect and moving freely inside the house. Because of the peculiarity of house structure, their houses look like holes or *kuti* as they call it, which is another reason to name them as "Kutia".

There are other explanations about the term 'Kutia'. Kutias are hill-dwelling folks. In Oriya language 'hill' is called *kutta*. Therefore, the people inhabiting the hill settlements are called Kutia by their neighbours. Moreover, Kutia men and women wear a kind of brass ring with a pointed design, which they call '*Kuti*'. Because they wear *kuti* they are called Kutia. Some people say

that Kutias are fond of tattooing their bodies. Tattooing in Oriya language is called *chitta kuta* and hence, comes the term 'Kutia', the people with tattoo marks or *chitta kuta*.

Often the Kutia call themselves and are also so called by their neighbours as 'Malliah' Kandhas, which has two meanings in Oriya language, such as hill men ('Mala' meaning hill and forest territories) or people wearing beads (*mali*).

The Kutia settlements are found in densely wooded remote hill tracts. The size of their settlements is smaller comprising 7-8 households. There are also few large villages with 60-70 households. For their dependence on shifting cultivation, the Kutias were semi nomadic people in the past. They were shifting from site to site with cyclic rotation of swidden cultivation. A Kutia village has well-defined boundaries (*sandhi*) marked by rocks, trees, streams etc. The neighbouring villagers respect the common boundaries and any kind of trespassing is severely dealt with by customary laws as it often leads to bloody violence.

In a Kutia settlement, houses are arranged in two linear rows facing each other. Animal sheds are built either as an extension of the living quarters or separately at the back of the house. Each house has its own kitchen garden at the rear. Girls' dormitory (*Dhangri basa*) and boys' dormitory (*Dhangar basa*) are either situated at the rear or among the rows of living houses. Bamboo or wooden fencing with a narrow entrance to ensure protection from wild animals encloses the settlement site. In the center of the space left in between two rows or houses lie the seat of *Dharani Penu* (Earth Goddess) and other important deities represented by stones and forked pillars for animal sacrifice called *Dharni Munda*. The remaining space is utilized for holding fairs, festivals, dances and village meetings.

The Kutia live in low-roofed houses with a rectangular ground plan. It consists of spacious front and rear verandahs, a living room and a small kitchen. The front verandah is used for multiple purposes such as performing domestic chores, sleeping and entertaining guests. The back verandah is also put to a variety of uses such as a pigsty; a place where women are segregated during menstruation and also it is the stage on which the great human drama of birth is enacted.

The walls are made of wood and bamboo frame plastered with mud and cow dung. The gabled roof structure is thatched with a kind of jungle grass called *Piri*. Under the roof long wooden planks are placed across the mud walls of the living room to prepare garret (*attu*). Household articles and grains etc. are pushed for storage inside the garret through a small opening. Another wooden platform – three/ four feet high under the ceiling is raised to store grains. The average size of the living room is 10 feet by 15 feet. Besides the sleeping place,

it contains the hearth, the storage racks, and the elevated basket for brooding hens, the mortar holes for pounding grains, the milling stones, limited household utensils agricultural and hunting implements, musical instruments, etc. The room has one entrance door in front and an exit door at the back but no windows. The roofs of the houses slope to about one and half meters from the ground. The entire floor area of the house is sunk to about half a meter below the level of ground so that the house appears like a dugout hole.

The livelihood of the Kutia Kandha is mainly derived from shifting cultivation supplemented by forest collections and hunting. Lowland plough cultivation is a recent phenomenon found in a limited scale in these days. Each village has a well-defined hill and forest territory for exploitation by the ways of shifting cultivation, collection of minor forest produces and hunting. For shifting cultivation each family in the village is allotted with plots in the hills by the traditional village council prior to commencement of agricultural season. The size of plot varies according to the size and working capacity of the individual family. A swidden is cultivated for a maximum of 2 to 3 years and then left fallow for at least four years to recuperate. They practise mixed cropping of grains like *kandula*, *kalka*, *kangu* (millet,) *koiri* (millet), niger, maize, green gram, mustard, turmeric, castor, beans, *katting* etc. in their swiddens. Paddy is cultivated in the low lands.

The harvest is barely enough to feed them for the whole year. To meet their other necessities, a part of the harvest is sold or bartered in the local markets. The main saleable commodities such as firewood, *siali* leaves, resin, *sal* seeds and leaves etc. gathered from the forest are also sold in the local markets. The Panos act as middlemen between Kutia Kandha and outsiders in all transactions and exploit the simple tribals. As per Kutia tradition Panos or Doms who live in separate quarters near the Kutia settlements, are their servants. They are in charge of herding the cattle and livestock of the Kutias. There is a Kutia custom that no Kutia should sell or purchase livestock without involving his Pano servant. The Panos also advance loans to Kutias at the time of need and try to keep them indebted always so that, they can exploit them in all possible manners.

The Kutia are fond of rearing animals like bullocks, cows, buffaloes, goats, pigs, and fowls. Cows and she-buffaloes are not milked but used as draught animals. Goats, pigs, and fowls are sold for cash in the local markets or killed for food and entertaining guests. All kinds of animals are sacrificed during the rituals to appease the deities and spirits.

In the Kutia territory, there is little scope for wage earning and pursuing other occupations. Hence, forest collections and occasional hunting and fishing supplement their subsistence. During summer they get plenty of mango and jackfruit from the forests. At that time, they live exclusively on

mango and jackfruit diet. They even preserve mango kernel and jackfruit seeds in large heaps to consume as food items during the difficult rainy season.

The food habit of the Kutia varies with the seasonal variation in availability of various kinds of crops, fruits roots and tubers. Rice is not their staple food because of short supply as very small quantity of paddy is produced in few paddy lands. Small quantity of millets and other kinds of cereals produced by shifting cultivation hardly lasts for four-five months. For the remaining part of the year they depend on wild fruits, roots, tubers collected from the jungle. Depending upon the availability, the minor millets constitute their staple food. They eat non-vegetarian items prepared out of pork, beef, mutton and buffalo meat, chicken and fish on festive occasions. They are also fond of salted dry fish, which they buy from the local markets.

Vegetable oil is rarely used as a cooking medium. Very small quantity of oil is used to prepare vegetarian and non-vegetarian dishes during festive occasions. Chilly, salt and turmeric powder are the condiments mostly used for cooking. Salt is consumed in lesser quantity. Women prepare food. Males cook food only during the illness and pollution of women at the time of their menstrual period and childbirth. On ritual and festive occasions, men exclusively do the domestic and communal food preparations in honour of the deities. Kutia women are tabooed against participating in such ritual activities. They are not even allowed to take the meat of the animal scarified during communal rituals.

Generally, they eat three times daily i.e., during morning, mid-day and evening. They do not accept cooked food from the Pano or Dombs whom they consider inferior. They are addicted to liquors of various kinds, which are locally available. *irpikal* and *salap* (the juice extracted from sago-palm) are raised in their swiddens. Smoking and chewing tobacco is quite common. Even children are found smoking handmade cigars.

The social organization of the Kutia Kandha is simple and self-sufficient. Family forms the elementary social unit of their social organization. It is patrilineal and patriarchal in nature. Father or senior most male member is the head of the family. Property and social status are transmitted through male line. Women cannot inherit property but they are entitled to the residuary rights of maintenance from their father or husband's property depending upon their nature of residence and marital status.

Kutia women are not entitled to exercise customary rights in respect of inheritance, authority and ritual activities. They play a very influential role in management of the family, for their major economic contribution to the family and their active participation in various domestic and economic activities. They control the family purse. They are considered as assets for their father's and

husband's families and therefore bride price is paid by their husbands to their fathers to acquire them. Girls enjoy ample liberty for selecting their mates.

Nuclear type of family comprising husband wife and their children is commonly found in Kutia society. Extended families in which old parents live with their married sons and polygynous families are rare. However, Kutia society permits polygyny. A Kutia boy after his marriage separates himself from his parent's family and sets up his separate household with his wife and children as soon as he is able to support himself. His parents and brothers help him in making his separate establishment. But according to the Kutia custom the youngest son always lives with and supports his old parents even after his marriage and inherits the paternal house.

In the Kutia kinship organization the agnatic lineage called *klambu*— a local descent group formed by families descended from a common ancestor constitute an exogamous unit. The lineage members live in a village or group of villages called *Mutha* and enjoy exclusive property rights, which they have inherited from their ancestors. The headman of a *Mutha* is called *Muthadar* or *Mustajar*. During British Raj the *Mustadar* were kept in charge of revenue collection and were also vested with quasi-magisterial functions to decide cases of small disputes and crimes. Now this system has become obsolete.

Strong supernaturalism pervades all spheres of Kutia life. "Religion and present way of life of the Kutias have their roots in the mythological traditions of the tribe. Functions of priest (*Jani*), medicine man (*Kutaka*) and headman (*Majhi*), rites practised at ceremonies and festivals, farming and hunting methods, the orientation of the villages, the way to care for pests; the rules for communal living have been defined by ancient laws and their validity accepted without question.... The origins of this tradition dates as far back as the day on which the first human beings came in to the world" (Wattes, 1970).

The Kutia Kandha have an elaborate pantheon to worship. *Penu* is their supreme deity. She is held in the highest esteem and worshipped in all agricultural rituals. Her seat lies in the center of every Kutia village represented by four stones embedded in the ground called *Dharni Vali*. In front of *Dharni vali* stand forked pillars (*Dharni munda*) for tying sacrificial animals during *Meriah* or *Kedu* festival. This is the most important festival observed in every Kutia village once in every three or five years to worship *Dharni Penu* by sacrificing buffaloes. This animal sacrifice is the relic of the barbarous practice of *Meriah* (human) sacrifice in the past, which had been suppressed by the British administration during the last century.

There are a number of Gods and Spirits such as the Sun god, *Birna Penu* (the deity of thunder) *Sita Penu* (the Goddess of wealth and prosperity), *Diya Penu* (the deity of streams), *Suru Penu* (the hill Goddess), *Sapangada* (the Creator

and Supreme Being), *Linga Penu* (the deity in charge of departed souls), *Dharma Penu* (the Goddess of small-pox), Ancestral spirits etc. worshipped by the Kutia on various occasions. They observe a number of seasonal rituals and festivals throughout the year to appease their deities. Some of their important annual rituals and festivals are *Anka Puja*, *Taku Jatra*, *Chaitra Jatra*, *Sapangada Jatra*, *Pani Kalu* and *Bichha vali*.

"Every religious ceremony is prefaced by the priest reciting an extract from the tribes' mythological traditions which is relevant to the ceremony and the history that led to its establishment as a cult. He is flanked by acolytes who solemnly repeat his words. In this way traditions are perpetuated from generation to generation" (Wattes, 1970).

The practice of magic and witchcraft is widespread. Misfortunes are always ascribed to black magic. In this connection *Shaman* or the witch doctor is the most important person to take remedial actions against the evil effects of black magic. There are male (*Beju*) and female (*Bejuni*) shamans who are specialists in this field. They are respected in Kutia society.

Kutia Kandhas consider birth, marriage and death as important events of human life. They believe that a child is born if ancestral spirits are pleased. A child is always welcomed. Therefore barrenness in married women is treated as a curse. A pregnant woman is subjected to a number of taboos and restrictions about her food and movements to ensure safe delivery and well being of the mother and child.

Childbirth takes place in the rear verandah with the help of a local mid-wife. Birth pollution and confinement of the mother and child is observed for six days after which mother's brother shaves the child's head leaving a patch on the top of the child's head. Then, both mother and child take a ritual bath and resume their daily activities. Nose and ear piercing ceremonies are held on the eighth day. Name-giving ceremony is held shortly afterwards. The name is chosen from those of the dead ancestors whose soul the child supposedly inherits. A pig is sacrificed to appease the deities and ancestors.

Boys and girls during their adolescence enter into dormitory life. Boys and girls have separate dormitories in every Kutia village where they sleep at night. They get necessary training and orientation in adulthood and community life from their elders in their dormitories. Now-a-days, these traditional youth organizations are losing their importance.

Marriage is a very significant event in the life of a Kutia. Girls and boys are considered fit for marriage after attaining puberty. Marriage by negotiation is quite common. However, marriages by elopement, marriage by capture, marriage by exchange of sisters, marriage by service are also practised in a

limited scale. Remarriage of widows, widowers and divorcees; junior levirate, sororate and polygynous types of marriage are also permitted in Kutia society. Bride price is claimed in full by bride's parents or reduced depending upon the type of marriage. The consent of the boy and the girl is taken before finalizing the matrimony. Marriage inside the same village and lineage is strictly prohibited as it amounts to incest.

Negotiation of marriage is quite an expensive affair which involves payment of bride price in cash and kind in successive installments amounting to Rs.500/- in cash and some heads of cattle, some measures of rice and millet and huge quantity of *mohua* or *katul* liquor to entertain the girl's relatives who visit the boy's house from time to time to finalize the marriage.

On the scheduled wedding day, the kinsmen of the groom go to the bride's house to bring her to their home where marriage ritual is performed. A week after the marriage the bride returns to her parents. Her parents keep her with them for more than one year and do not allow her to return to her husband until the boy's side fulfills all their claims. Many disputes arise between the bride's family and the groom's family for this practice. Consummation of marriage takes place after return of the bride to her husband.

Death is a sorrowful event in the Kutia life. The dead bodies are generally cremated. In case of unnatural deaths the corpses of pregnant women, infants, and persons died by drowning, snakebite, attack of wild animals are buried. Death pollution continues for three days. The purificatory rituals are held on the third day. The village priest (*Jani*) and shaman (*Beju* or *Bejuni*) conduct the ritual. Food, liquor and the blood of a goat sacrificed on this occasion are offered to appease the departed soul. Thereafter he/she becomes an ancestor (*Duma*).

Their village organization has survived the test of time. The Kutia Kandha village still continues to be a basic socio-political unit having its own set of traditional secular and sacerdotal leaders. The titular head of the village is *Jani* who acts as the village priest. *Majhi* is the secular head ranking next to *Jani*. *Ganda* is the village messenger who belongs to Pano community. All these posts are hereditary and their succession is based on the custom of primogeniture.

The traditional village Panchayat comprising all the household heads under the leadership of *Jani* and *Majhi* is still quite effective. Its meetings are held as and when necessary to take decisions about village affairs such as organizing the *Kedu* festival, distribution of shifting cultivation plots, intra-village and inter-familial disputes etc. All the decisions are taken unanimously. Jurisdiction of the Panchayat is limited to hear social offences relating to witchcraft, incest, adultery, rape, divorce, non-payment of bride price, marriage by capture, marriage by elopement, marriage in lower castes, non

sending of a married daughter to her husband's place, and the like. Such cases are decided according to the provisions of their prevailing customs. In most cases the punishment is imposed on the offender in the form of fine in cash and/or kinds. The amount of fine varies according to the gravity of offence. The amount is spent on food and liquor for entertaining the council members and sometimes a part of it is given to the aggrieved party as compensation.

After independence, the Panchayatiraj institutions have come to stay and the Kutia have accepted it in their own style. They are now electing their ward members unanimously. In many villages the traditional leaders such as *Jani* or *Majhi* are being chosen as ward members because they are still enjoying the confidence of their fellowmen. This new political system has not affected their traditional set up very much. The ward member holds an influential position in a Kutia village, his field of activities is limited to contact the development agencies and initiate welfare measures in his village while the traditional leaders reign supreme in their respective fields. There is no conflict but they work in coordination for the betterment of their village.

Living inside remote hill tracts, the Kutia eke out a miserable existence due to exploitation, illiteracy and ignorance. They remain primitive and backward socio-economically. Government has started a Micro Project named Kutia Kandha Development Agency at Belghar from 1978 to expedite their socio-economic upliftment. This Agency has been implementing various welfare schemes for their betterment. A beginning has been made. The Kutia have slowly responded to the changes brought out by the development programmes. Irrespective of whatever material development that has taken place in these days, it can be said that awareness has been created among the Kutias.

FAMILY

The family is the smallest and basic unit in the Kutia Kandha social organization and it is here the customs and practices are followed during the process of socialization. The family is a cultural infrastructure upon the biological foundation of sex. Besides the biological needs out of which it is grown and the need for the exploitation of environment contributes to its growth. As a functional unit the family is one of the universal and permanent institutions of mankind.

In the Kutia society, family is the institution in which a Kandha individual receives his first care, protection and also his basic training in social values, behaviour as well as the customs and practices in order to become a responsible member of his/her society.

In Kutia Kandha society, kinship ties, marriage rules and the rules of descent, inheritance and succession bind the family. Most of the families are of nuclear type consisting of parents and unmarried children. Joint families composed of parents and their married children are very rare in the Kutia Kandha society. In the 8 study villages, out of 125 families, 102 are nuclear and the rest 23 are joint or extended. The family is patrilocal. After marriage the girls leave their parents to stay in their husband's houses. An eligible Kutia bachelor builds a separate hut for himself just before his marriage or immediately after marriage to establish his separate household with spouses and children. But sometimes, it is also found that till a married son sets up his new household, he temporarily stays with the parents forming an extended family. In case of a single son or the youngest son of the parents, he resides with his parents after marriage in a separate room of the house and inherits the house as well as the parental property after the death of his father. This is the customary practice now existing among the Kutia Kandha of Belghar area. It is also observed that though married sons live in separate households they commonly cultivate their father's lands and share a common kitchen in their parent's house. Sometimes the married sons commonly cultivate the lands of their father and after harvest they equally share the crop among themselves and after the death of their father they equally divide the landed property and other properties among themselves.

Polygyny is permissible in Kutia Kandha society. But nuclear and monogamous families are found more in number. (Out of total 125 families in the 8 villages studied, 102 are nuclear type and 23 are extended). Their society permits a man to have more than one wife if he has means to support them.

Due to poor economic condition cases of polygynous families are found less in number. Generally it is found that Kutias bring a second wife if the first wife is barren. According to their belief a barren woman is inauspicious. A child is the gift of ancestral spirits as believed by the Kandha and therefore birth of a child is welcomed. The social ties between the kins or a married couple are strengthened on the occasion of the birth of a child.

The Kutia Kandha long for a child irrespective of adverse or unfavorable circumstances. Therefore, a Kutia man prepares to marry second time if the first wife is not capable of giving birth to a child. The second reason of polygyny is that in Kandha society women are considered as an important asset to the family and a source of economic prosperity, because women are more industrious than men. They pound millet and prepare gruel for both breakfast and lunch and pack them properly. After completing domestic chores they go to the field with children carrying cooked food. They serve breakfast and then join their husbands in the swidden. At lunch, women serve food and take their own meal. After a little rest they resume work till late evening. In addition to this, they also collect edible fruits, roots, leaves, mushrooms and tubers from the surroundings. If time permits the women also go to nearby forest for collecting fuel wood and other useful seasonal forest produce. They return home in the evening and attend to domestic works including cooking. For this the Kandha go for polygyny if they have means to support more than one wife. In polygynous family the wives may stay with the husband in the same room or in separate rooms depending upon availability of additional rooms. Sometimes quarrels take place between the co-wives but it is solved within the family.

Case Study: I

P. Majhi son of late R. Majhi of Deogada village is an industrious man having five acres of landed property. Besides this he has some land for kitchen garden. He is the only son of his parents and is living with his old mother. He has also made a separate room for his mother in his house. He had married to R. Majhi of Ballam village in 1987. Till 1990 his first wife was unable to give birth to a child. Then P. Majhi thought of bringing a second wife. In this matter he had also consulted his wife and she also agreed to this proposal. Then, P. Majhi searched for a wife and married to M. Saradu of Pudukala village. After six months of this marriage P. Majhi's first wife conceived and gave birth to a son. Now P. Majhi is living with both the wives and his son. The wives live in a single room. Sometimes, the co-wives quarrel among themselves but P. Majhi finally settles them. Apart from this, both the co-wives cooperate with each other in all sorts of household works as well as in the *dongar* (swidden) and other agricultural works. Both the wives help P. Majhi in agricultural activities. Thus he is leading a happy conjugal life with his two wives.

A Kutia Kandha family is a residential unit governed by customary rules of residence. After marriage, the couple may stay with husband's married and unmarried brothers, unmarried sisters and other relatives from his father's side

constituting an extended family or they may stay in a separate residence with their spouses and offsprings but, the place of residence in most cases lies in one's father's village irrespective of the type of family. That means the rule of residence in Kutia Kandha society is patrilocal.

Inter-Personal Relationship:

Like other societies, family is the basic kinship unit in Kutia Kandha society. There is an integrated bond in a family based on mutual love, affection and blood ties. Their family life is usually very peaceful and without tension. Husband and wife are not only sexual partners; they are also partners in all walks of life. They do not address each other by their respective names but as father and mother of so and so. The husband never underestimates his wife and seeks her advice in all social, economic and religious matters. Both cooperate with each other at home and in the fields; the husband helps the wife and the vice versa in such ways as the custom of their society dictates. In the family, the older people are highly respected by the younger ones. The children always obey their parents and superiors and act according to their instructions. The sons take advice of the father in agricultural activities. Similarly, the daughters help their mothers in household works and take their advice in household activities. Both father and mother love their sons and daughters equally. The relationship between the siblings is congenial and intimate. The brothers and sisters are tied to one another by mutual help and cooperation and this relationship remains intact, even after their marriage. The daughter-in-law always pays respect to her father-in-law and mother-in-law.

Authority in the Family:

The Kutia Kandha family being patrilocal and patriarchal, authority is vested in the senior most male member of the family. Everyone obeys him and acts according to his instructions. Though he exerts his power and authority in the family, he does not ignore the views of other adult members relating to issues concerning marriage, death and birth crisis in the family. He is responsible for maintaining the family and representing it in all external affairs and particularly, in village affairs. He controls the economic resources of the family. He is required to perform rituals and ceremonies in respect of his family. His wife assists him in this matter. He is responsible for keeping the family unity in tact by maintaining peace and order among the family members.

Family Property Rights:

Though father or senior most male member acts as supreme authority in the family, it does not mean that the wife is regarded inferior. She also plays a vital role in the family. She assists her husband in rituals and ceremonies. Her opinion is required in the marriage of any member in the family. She supervises all household activities and takes care of small children. Her husband is the owner of all family properties but after his death the wife is only entitled to

maintenance, out of the assets left by her late husband, till her death or remarriage. The wife is the sole owner of all her ornaments and personal belongings and nobody has a share in it. She may give it to anyone according to her will. According to the customary rule, the wife or daughters cannot inherit the property of her husband or father, respectively. But a maiden daughter is entitled to maintenance out of her deceased father's property till her marriage.

During the old age or disability of the father, the eldest son or the next senior most male member takes over his charge but his authority does not shrink. His opinion is required in all important family matters. After his death, the property is distributed equally among the sons but not among the daughters.

The Kutia Kandha family is a cooperative unit where mutual cooperation as well as division of labour among the members is found in well-organized form. Each family has its own home and hearth. The family members share a common kitchen. They take part in common economic pursuits and contribute their mite for the maintenance of the family. Women and girls do all sorts of work except ploughing, house thatching, hunting, animal sacrifice and conducting rituals. Men attend to all outdoor activities, more particularly the strenuous works, while children help their parents according to their capacity.

The Kutia Kandha family is an economic unit. Each and every individual of the family contributes according to his capacity for the upkeep of the family. They maintain themselves and provide for their daily needs with their own enterprise and assistance from the kins and neighbours. Though there is economic cooperation and division of labour between men and women in the family, tasks which are normally performed by one sex may also be performed by another under circumstances, which render this necessary.

According to the Kutia Kandha belief, life is not worth living without children. The Kutias do not believe in birth control. They want to have as many children as they can. The children are brought up with extreme care and fondness. The family acts as an educational unit. It is the primary training center for the Kutia children. It is in the family where he gets the most basic and fundamental lessons in socialization. The family assumes the responsibility of bringing up the children and inculcating in them the values, ideas and techniques of their culture. Parents, grandparents and other elderly persons of the family transmit their traditional culture to the younger persons through training and examples of living a life as taught to them by the older generation and by their tradition. The individual members of the family do perform all these following their customary rules and practices in order to make a wider network of social relationships towards each other. In other wards, the family shoulders the responsibility of socializing the children, so that they can become ideal members of their society. The intense love and affection elders' show towards the children in the Kutia Kandha society is unique. The children are given best

food available in the family and they are served first. The head of the family is responsible for maintaining other members of his family. He is responsible for providing food, shelter and clothing for all the members. Besides this he is also responsible for socializing them as members of the family unit.

Thus in the Kutia Kandha society, the family makes the founding block for the superstructure and network of kinship, village settlement, and the society at large. It serves as the first school of learning the Kutia way of life for its younger members.

MARRIAGE

Marriage is one of the most important institutions in the Kutia Kandha society. According to them, life is not worth living without marriage. In Kutia Kandha society marriage gives social sanction to a man and woman to live as husband and wife and to discharge certain rights and duties. According to their local custom, marriage gives legitimacy to the children born to the couple in the society. This social status of parenthood is granted to all the married couples irrespective of the form or type of marriage. According to the Kutia Kandha of Belghar area marriage is a sacrament, which is based on certain rules and regulations. They call marriage in their language as *ranja tanji* or *shedi ina* meaning to get (*ina*) a wife (*shedi*).

Marriage Rules:

There are some prescriptions, preferences and prohibitions that are followed in the Kutia Kandha society for selection of mates for marriage. During our study in Belghar area we have covered six villages. There are one hundred and twenty-five families in these eight villages. Among these 125 families, 23 are polygynous and the rest 102 are monogamous. It shows that monogamous marriages are more frequent than polygynous marriages. The Kutia Kandha society permits a man to have more than one wife. There are two basic reasons for polygynous type of marriage. Firstly, if the first wife is barren the husband may bring a second wife if he has the means to support her. Secondly, a person having sound economic condition brings a second wife to help him in agricultural activities i.e., for his economic prosperity.

It is already discussed in the previous chapter that women are more industrious than men and in their society; women are regarded as an asset. Very often the well-to-do Kutia Kandha build separate houses for each wife. They may share a common kitchen or have separate kitchen. All the family members eat in one kitchen. Generally, Kutia Kandhas of Belghar area prefer monogamy.

As regards the selection of mates for marriage, the Kutia Kandhas have several ways of acquiring mates. Besides negotiation marriage, they also practise marriage by service, marriage by elopement (*sedita sanji*) and marriage by capture (*jhika*). Besides this, Kutia Kandhas also practise levirate and sororate types of marriage.

There are certain unions, which the customary rules of Kutia Kandha prohibits. In the past the Kutia Kandha practised village exogamy as traditionally Kutia Kandhas had single clan villages. But now-a-days village exogamy is not practised because in big villages people of different clans are found to be inhabiting. But clan exogamy is strictly practised and marriage within the same clan is regarded as incestuous. The Kutia Kandha call the clan as *gochi*. The whole tribe is divided into a number of exogamous clans or *gochis* but, surprisingly there is no totemic cult, taboos and rituals associated with the clan. Some clan names are given below;

1. Kandrunga	6. Silidenga	11. Andanga	16. Gunjika
2. Sukbicha	7. Ralika	12. Saraka	17. Saruka
3. Radurka	8. Bangurka	13. Sandrenga	18. Padamajuka
4. Timaka	9. Dundreka	14. Mindanga	19. Goluka
5. Urlaka	10. Bandruka	15. Kambrenga	20. Rodamaka

Now-a-days there are some severe deviations found in our study villages: (1) Marriage inside the village is held between members of different clans as the village is no longer uniclans and members of other clans have also settled in those villages, making it multiclan entities. (2) Sexual intimacy among the boys and girls belonging to the same clan of one village and of different villages leading to premarital pregnancy and finally ending in the marriage of the concerned boys and girls. However, such deviations are very few and not encouraged by any means. They are discouraged by strong punishment.

Case Study-II

Marriage between members of the same clan in one village: (Against the custom of village exogamy and clan exogamy)

- (1) P. Majhi son of R. Majhi of village Sindhikola had love affairs with the daughter of A. Majhi of the same village. Previously she was engaged with a young man of Baragaon. The girl's parents had also finalized the amount of bride price with the boy's father. But the bride price was not paid. In the meantime she became pregnant and P. Majhi was found responsible for it. When the matter became public, the girl's would-be father-in-law from Baragaon came with his relatives to A. Majhi's house and demanded compensation (*mahat*) against this misdeed of his daughter. The village elders of Sindhikola came to the aid of A. Majhi and both the parties after discussion finalized the amount of compensation to be paid by A. Majhi to his would be son-in-law's fathers. The amount paid was Rs.300/- in cash along with 2 bottles of liquor and 1 pig. The boy's party returned with the *mahat tanka*. Then the villagers of Sindhikola held a meeting in which the pregnant girl was asked to reveal the name of her lover. When she revealed the name of P. Majhi, his father was summoned and asked to pay a penalty feast to the villagers to make up for the crime committed by his son as both the boy and the girl belong to the same clan. Then it was decided to get them married as at that time no man of a different clan came forward to marry the pregnant woman. The marriage was performed in a simple ceremony.

- (2) In another incident D. Jani, son of K. Jani and S. Majhi daughter of K. Majhi, both belonging to the same village, Rangaparuru and the same clan, *Padamajuka*, fell in love with each other and the girl became pregnant. When the matter came to light, the villagers of Rangaparuru held a meeting to which the girl's father and the boy's father were summoned. In the meeting it was decided that they will perform their marriage and the boy's father will give a *mahat* of Rs.40/- and one head of buffalo, one pig, one goat, two pieces of new cloth, two numbers of *kuri* (bell-metal bowl), seven arrows and one tin of country liquor. After the formal marriage ceremony, a feast was arranged for the villagers out of the cash and kinds collected from the boy's father.

Case Study-III

Marriage among members of the same clan belonging to different villages (against the custom of clan exogamy)

G. Majhi son of K. Majhi of village Rangaparuru once went to the village Burlubaru to attend the *Kedu* festival. There he saw S. Majhi, daughter of R. Majhi. They fell in love with each other. Incidentally, they belong to the same clan. When G. Majhi expressed this before his family members, they objected to their marriage. But G. Majhi was determined to marry her beloved. He put pressure on his family members. At last his father and a few relatives went to Burlubaru to start negotiations with her parents. Initially her family members disagreed with this marriage proposal but later on agreed conditionally that they are unable to give a feast to the boy's villagers in this marriage. Then the customary bride price (*ganthi*) was finalized. The bride price included one buffalo, two pieces of new cloth, two numbers of bell-metal bowl (*kuri*), seven number of arrows and five bottles of liquor. The *ganthi* was paid after one year of negotiation. Then after one year, the girl's party invited the boy's party to capture their girl, in order to avoid the heavy expenses of a formal marriage and feast. On the scheduled day the boy with his relatives and friends numbering about twenty persons came to Burlubaru village and forcibly took away the girl. At that time, a mock fight took place between the boy's party and the boys of girl's village who pretended resisting the capture. At last the boy's party returned to their village with her. Then a feast was arranged in boy's village. She remained in G. Majhi's house for seven days and then went back to her village. After one year G. Majhi with his parents and relatives went to Burlubaru and brought her back to his house permanently. During this visit of G. Majhi, her family arranged a feast for the boy's party. He also gave a feast to his own villagers as fine because he had broken the customary rule of clan exogamy.

Case Study-IV

Marriage between members of different clans in the same village:

S. Jani son of B. Jani of village kusumunda is a young man of a well-to-do Kutia family. He belongs to Redurika clan. He fell in love with A. Jani daughter of P. Jani of the same village. They were both interested to marry each other. Their parents did not agree with this proposal, because both belong to one village and the boys and girls of the village are treated as brothers and sisters. Therefore one day he fled away with her to Ambadola. Now they are living as man and wife.

The clan consists of number of lineages which are unilateral consanguineal kin groups forming patrilineages that include a number of families. Traditionally lineage members used to live together in a village or group of villages called *Mutha*. This *Mutha* is an important feature of social organization of the Kutia Kandhas and it acts as an administrative-cum-social unit. Traditionally a *Mutha* was composed of a particular clan people: so marriage within the *Mutha* was prohibited. Now-a-days, the *Mutha* system has lost its significance as an administrative-cum-social unit of the Kutia Kandha social organization, because various clan people now inhabit the *Mutha*.

Besides this, there are certain other types of marriages, which are prohibited as per the custom of Kutia Kandhas. Cross-cousin marriage is not permitted. Especially a Kutia Kandha is forbidden to marry his maternal uncle's daughter (mother's brother's daughter). This type of marriage is regarded as incestuous in their society. They even do not marry a girl of their maternal uncle's village. They think that all the girls of that village are like their sisters. The maternal uncle also plays a vital role in the marriage ceremony of his sister's son. At the time of negotiation of the marriage, the maternal uncle remains present there. He accompanies the boy's party at the time of marriage. The maternal uncle contributes a portion of bride price paid by the boy's family to the girl's family. Similarly, the maternal uncle of a girl plays an active role in her marriage negotiations and marriage ceremony and gets a share of the bride-price including a piece of new cloth given to him by the groom's family.

Case Study- V (Levirate)

P. Majhi is the younger brother of late K. Majhi of the village Deogada. K. Majhi married G. Majhi of village Guluka. After five years of marriage K. Majhi died without any issue. His wife after the death of her husband went back to her village. In the meantime K. Majhi's younger brother P. Majhi married to B. Majhi of village, Lankagada. After two years of marriage P. Majhi felt that there is necessity of more manpower to assist him in his agricultural as well as household activities. So he wanted to bring his deceased elder brother's widow, as his second wife. So P. Majhi went to the village Guluka with some of his relatives to ask her parents for remarriage. When they reached her house they were received by her parents and were given food. After a formal discussion P. Majhi brought her to his house without paying any formal bride price, except two pieces of cloth, which P. Majhi had presented to her parents, and a tin of liquor, which was drunk by the villagers of both the sides. In this marriage no formal marriage rituals were performed. No customary bride price was paid to the widow's parents in such kinds of widow remarriages because the elder brother had already paid it once at the time of her first marriage.

Case Study-VI: (Sororal Polygyny)

M. Majhi, son of late B. Majhi of village Padujda has married R. Majhi the daughter of A. Majhi of village Palam. After three years of marriage, R. Majhi's younger sister. G. Majhi visited her house. During her stay in her sister's house

for about one month, G. Majhi fell in love with her brother-in-law who proposed to marry her. On her return to her parents' house G. Majhi expressed about their love affairs before her mother. Subsequently, M. Majhi visited his father-in-law's house with some of his friends and relatives to ask for the hand of G. Majhi formally to his father-in-law. He also took with him some gifts, such as one goat and one tin of liquor to please his father-in-law. A. Majhi. had got prior information about the purpose of visit of his son-in-law from his wife. The proposal was discussed in presence of the friends and relatives from both the sides. At first A Majhi was reluctant to give another daughter to M. Majhi. After much persuasion he agreed at last. M. Majhi assured him that he had enough means to maintain two wives and that he would pay the required amount of bride price. A Majhi demanded a heavy bride price. After negotiation it was finalized that M. Majhi would give Rs.400/- in cash, one goat, one buffalo, two pieces of cloth, two *kuri* and seven arrows to his father-in-law besides the other expenses of feast, liquor and wedding ceremony. After this final negotiation, the goat and liquor taken by M. Majhi was consumed in a feast to which the participants from both the sides were invited. The marriage was performed after one year. Now M. Majhi is living with his two wives happily.

Besides levirate and sororate, widow remarriage is also practised in the Kutia society. No case of child marriage has been recorded in our study area. But it is seen that negotiation for marriage starts from very early age for a boy and girl. It is found that negotiation proceeding for marriage starts when a girl is about 10 - 12 years of age and for the boy it is about 14-16 years. In Kutia Kandha society usually the actual marriage takes place about 4 to 5 years after negotiation. Their marriage procedure is very long and complex. Even before maturity of a girl, negotiation starts for her marriage. It is found during our study that almost all marriages take place after the boy and girl attain puberty. In addition to that, the boy is also expected to be capable of earning his livelihood and maintaining a family in order to become eligible for marriage. Likewise, the girl should be acquainted with all household works as well as agricultural activities.

Premarital sexual relationship is regarded as an offence. Extra marital relation or adultery is not common. According to their custom, it is regarded as a sin and is not permissible in their society. Sexual relation between closely related kins, like parents and children, siblings and members of a lineage is strictly prohibited in Kutia Kandha society because it amounts to violation of incest taboo. Such offences are considered very sinful and the whole community rises against such act and takes corrective actions for the fear of supernatural punishment.

Consent for Marriage:

Consent of the boy and girl is a necessary precondition to finalize the marriage negotiation. The consent of the girl is more important than that of the boy. Without her consent marriage cannot take place. A Kutia girl cannot be

forced to marry against her will. According to the Kutia, if a girl is forced to marry against her will, she may go away with someone she likes and this may hamper his or her social status and prestige. Another factor is that if a girl elopes with her lover, her parents may not get the bride-price or may get less amount of bride-price. Similarly boy's consent is also sought for. Because if marriage is done against his will, he may develop extramarital sexual relationship with whom he loves. So Kutia boys and girls enjoy full liberty in selecting their mates. Therefore their respective families do not stand against the wishes of the grown up boys and girls and their customary marriage norms are not deviated.

Bride-Price (*Jula Sianamu or Karanga Luganga*) :

In almost all tribal societies in Orissa a woman is considered as a valuable asset. So also in the Kutia Kandha society, the girl's parents demand the bride-price to part with her in marriage. Bride price is paid in shape of both cash and kind by the groom's family to the bride's family at the time of marriage. Because women are regarded as an asset, after their marriage they have to live with her husband's family. So the girl's family demands compensation in shape of bride price for the loss of their asset. Bride price is paid in all kinds of marriage except in case of marriage by service and remarriage of a widow to her deceased husband's younger brother. However, the amount of bride price varies from place to place and according to the type of marriage and socio-economic status of both the families. Generally the amount of bride price varies from Rs.100/- - Rs.1000/- in cash and in kind including 3 to 7 pieces of arrows, *kuri* (bell-metal bowl), new clothes and liquor. Besides this, some well-to-do Kutias give buffalo, goat, hen, rice, paddy, pig etc. as bride price. The rate of bride price in case of divorced or separated women is less.

The bride price does not go to the bride but to her parents and maternal uncle. In most cases the bride price is also paid in instalments.

Ways of Acquiring Mates:

The Kutia Kandha marriage is an elaborate affair. There are various ways of acquiring mates. The traditional marriages are conducted through arrangement or negotiation. Besides this the common types are marriage by service, marriage by capture, marriage by elopement. Among these types, marriage by negotiation is considered prestigious in the Kutia Kandha society of Belghar area. It is the boy's father, not the girl's father who first takes initiative for arranging marriage.

Marriage by Negotiation (*Sadi Bengana*):

In Kutia Kandha society negotiation for marriage starts when a boy reaches the age of 14-16 years and for girls it is 10-12 years. When a Kutia boy

attains this age his parents search for a bride for him. According to the Kutia, the criteria of a good bride are that the girl should possess sound health, good moral character and should be well acquainted with household as well as agricultural activities and other outdoor activities.

Arrangements for the marriage start when the parents of the boys hear about the suitability of a girl living in the nearby or distant villages. At first the boy's father enquires about the girl. Then on a Wednesday, the father or an elderly person of the boy's family accompanied by the village *Majhi* (traditional secular village headman), *Jani* (village sacerdotal head), and few villagers and relatives proceed to the girl's house taking one or two bottles of county liquor with him. In this visit the boy's mother can join the party. When they arrive at the girl's house her family members receive them. Then the girl's father along with his relatives and village elders sit for discussion with the boy's parents. The groom's party keeps the bottle of liquor there and then discussion starts. The boy's father formally asks the girl's father for his daughter's hand for his son. The girl's father enquires about the economic status of the boy from the boy's father. If the girl's father agrees to the proposal, he asks for the bride price (*jula*) and receives the bottle of liquor which has been brought by the boy's father and everybody present there, drink that liquor. It shows that the girl's father is willing to accept the proposal. Then the boy's father returns to his village after declaring to the girl's father that this negotiation is not known to many persons of both the villages so he will come again along with his own villagers.

In the meantime the girl's father enquires about the character, economic condition etc. of the boy and his family from his known persons and relatives who reside in the boy's village or in the nearby villages. The opinion of the girl is also sought before finalizing the negotiation.

After 2/3 months on a Wednesday, the boy's parents and relatives along with all the adult males and females pay a second visit to the girl's house to conduct the second round of discussion. In this visit the girl's father negotiates the bride price and gives his final consent for marriage. In this visit also the boy's father brings 15 to 20 litres of mahua liquor with him. In some cases the boy's party brings hen, goat, buffalo or pig with them during this visit depending on their economic condition. But presentation of liquor is compulsory as per their custom. After finalization of date the next meeting both the parties consume the liquor brought by the groom's party and a feast is arranged in the girl's house in which all present there participate. Then the bride's father requests the boy's father to go back to his village with his accompaniments and to come again with the *jula* (bride price) for the final fixation of the marriage. For their return journey, the bride's father offers the groom's parents a piglet and some rice for preparation of meals, for the boy's villagers on the way or after reaching their own village.

In another Wednesday on the month fixed by the girl's father, again the boy's father, accompanied by his villagers including few male and female members, goes to the girl's village with the bride price consisting of two *chadar* (*shroud*), two bell-metal vessels, one buffalo, one goat, 4 numbers of arrows and 15 to 20 litres of *mohua* liquor. There both the boy's and girl's villagers share the liquor offered by the boy's father. Then the boy's and girl's parents take on oath that the marriage is finally fixed between their son and daughter. After the oath, the girl's father offers some rice with cock / piglet to the boy's villagers for their return journey meal. If there is much distance between boy's village and girl's village the feast is taken on the way or else after reaching the boy's village.

Again on another Wednesday the boy's parents accompanied by two to three youths and *Jani* and *Majhi* of the village go to the girl's house with 3 to 4 bottles of *mohua* liquor to have final talk with the girl's parents as to when they will come for the engagement i.e., to take away their daughter with them. Then the girl's father fixes a "Tuesday" of any month except "Phaguna" (March-April) for boy's father to come to their village and take with them the girl on the next day i.e. Wednesday.

On the fixed Tuesday i.e., the scheduled day for engagement, the boy's parents with all the able-bodied males and females of their own village and relatives from other villages, except the boy, go to the girl's village with 10 to 15 litres of Mahua liquor. The boy himself never goes to the girl's village either to bring the girl or at the time of negotiation. In an exceptional case, if the boy is an orphan and has no relative available to negotiate for him, he himself may go.

In this third visit the boy's party normally consists of ten to twenty members. In some cases the number goes up to thirty or forty. When the boy's party reaches the outskirts of the girl's villages, the girl's party receives them and takes them home. The liquor brought by the boy's party is shared by both the villagers. Then the girl's father gives feast to the boy's villagers and once again there is drinking, feasting and merry making in their honour. On this occasion a buffalo is slaughtered and every one participating in the marriage ceremony drink *mahuli* liquor.

After the feast is over the young boys and girls of both the villages sing and dance (*basagani*) throughout the night with the musical accompaniment of drums till the girl is handed over to the boy's parents on the next day (Wednesday). On the Wednesday morning the boy's villagers are offered with rice and goat / pig for the morning meal by the girl's father.

Before handing over the girl to the boy's parents, one *sal* pole is posted at the outskirts of the village. The girl is taken to this place, surrounded by the girls and young women of her own village. The girl holds the pole tightly while her village girls and women surround her from all sides. Then the girls and women of boy's village forcibly clear the way to the girl, snatch her from the

pole and start their return journey. The girl is accompanied by her relatives and friends. The procession is a joyous one. The boys and girls dance and sing all the way to the village.

On arrival at the boy's village the priest performs certain rites to protect the village from any illness or disaster that may befall. He offers an egg to the gods at the main entrance of the village and sprinkles millet over the sacred stones. The young boys and girls dance and sing till they reach the boy's house. Young girls from the boy's village pour turmeric water on the party. Then the bride enters into the boy's house.

That night the bride is served with rice and chicken. From this Wednesday till the next Wednesday the bride stays in groom's house for a week surrounded by groom's unmarried younger brothers and sisters. During this time, the groom sleeps in the village *kude* (dormitory) and the bride is forbidden to see or come in contact with her future husband. Even the groom is served with food in *kude* by his mother or sister. But the bride does all the household works in groom's house.

On the first Tuesday, after the bride's arrival at groom's house the bride's parents, accompanied by their relatives and villagers reach groom's place. The groom's father hosts a grand feast for both the villagers. In this feast buffalo, goat and chicken meat are cooked and served. This feast is known as *dal mamuli*. In this feast, the bride's and groom's parents are served first, then the villagers of both the villages follow. After the feast, the young boys and girls of both the villages sing and dance throughout the night. On the next day (Wednesday) morning the bride's parents and villagers are also entertained with *mahua* liquor, rice and goat/ buffalo meat by groom's father. Then the groom's village priest, *Jani* goes to the bride and performs one short ritual uttering that "you (the bride) have stayed well for 7 days in our village, so also you stayed well in your own house". Then the groom's father gives 2 to 3 bottles of *mahuli*, one buffalo, one goat to bride's parents and lets the bride to accompany her parents to her own village. Then the bride's parents along with the bride and associates return to their village.

Thereafter the groom's parents accompanied by their friends and relatives visit bride's village two or three times to bring the bride back. During these visits the girl's father avoids to send her taking various pleas. For example, he says "I have to buy ear rings for my daughter; I have not purchased *kuri* (bell-metal utensil) yet" etc.

Usually after six months to one year, the groom's parents along with few villagers go to the bride's village on a Tuesday. That night the groom's parents spend the night at bride's house and the groom's villagers (mostly youths) spend the night by singing (no dance) in the *kude* (dormitory). On the next day (Wednesday) after having the morning meal at bride's house, the

groom's parents return to their own village along with the bride. This time also the bride is not allowed to come in contact with the groom. As before, the bride sleeps with the grooms's younger brothers and sisters for seven days. After a week, on Wednesday, the groom's parents accompanied by some village youths take the bride to her parents' house. This time the bride's parents do not come to take their daughter.

Again after one or two months on a Tuesday fixed by the bride's parents, the groom's parents with some village youths reach bride's house. Usually the groom's parents take with them few bottles of *mahua* liquor. On that Tuesday the youths of the groom's village spend the night by singing in the *kude* (dormitory). On the next day, i.e. Wednesday, after the morning food offered by the bride's parents, the groom's parents and the youths of groom's village return to their own village along with the bride.

On the Wednesday night the women of the village take the bride from the groom's parental house to the groom's newly constructed house and leave her inside the house. From that night the marriage is consummated and the groom starts his conjugal life with the bride. Thus many months or years may pass away before the girl returns to her husband's place to live with him as his wife.

This is the prolonged process of marriage in Kutia Kandha community. No ritual for the marriage is performed. From the day the bride's first coming to groom's village till her final union with the groom, it takes more than one year. During this period the sexual union of the couple is prohibited and the bride is taken back to her parental house frequently. The inner idea behind this system is that if the bride does not cope up with the groom's parents or if she notices something very much wrong about the groom then she can refuse the marriage or may run away with another youth. In this case, the former groom's parents get back the entire expenses incurred by them from the bride's new groom.

Case Study -VII

B. Majhi son of R. Majhi of village Kadapana once had gone to the weekly market in Belghar. There he saw a girl, named K. Majhi daughter of late A. Majhi of village Jhiripani and desired to marry her. He first enquired about the girl and then told this to his family members. Then one-day B. Majhi's father along with four of his kinsmen of his village went to Jhiripani with gifts of food and liquor to start negotiation with K. Majhi's family members. When they reached Jhiripani, K. Majhi received them. Negotiation started between both sides in which some of the villagers of the girl's village were also present. After two rounds of discussion, the first phase of negotiation ended and R. Majhi and others who accompanied him came back. After three months R. Majhi along with some of his friends and villagers again went to Jhiripani. This time they took five bottles of liquor with them. Again they sat for negotiation with the girl's family members. In this meeting the amount of bride-price was finalized and formally the girl's parents agreed to this marriage proposal by accepting the liquor brought by R.

Majhi. Both the parties drank liquor there and later everyone present there was treated with a feast given by the girl's family. Then R. Majhi came back and promised to pay the bride-price within 6 months. After 6 months R. Majhi paid the bride-price consisting of 1 buffalo, 2 *kuris*, 7 arrows (*apka*), 2 pieces of new cloth. Then after one year the marriage date was fixed and the marriage ceremony took place.

Breaking of the Engagement:

In the arranged marriage if the engagement is broken from the groom's side then no penalty is imposed on him. But during this engagement period if the girl elopes with or otherwise marries another man (the 2nd suitor) then the second suitor has to pay the 1st suitor double the amount of money and materials what the 1st suitor had spent in the process of negotiation. It is also the same in case of a woman who leaves her husband and marries another man.

Marriage by Elopement (*Sedita Tanji* or *Guisat Sedi*):

This is a kind of love marriage. The Kutia boys and girls enjoy freedom in selecting their mates. If a Kutia boy selects a girl, develops love affairs with her and he is unable to meet the high expenses for payment of bride-price and for performance of marriage ceremony as required for regular negotiation kind of marriages or their parents disagree with the union, he sometimes elopes with the girl whom he wants to marry. Though customary rules do not permit this type of union, now-a-days, very large numbers of elopement cases are occurring in the Belghar area, and it has become an accepted way of acquiring mates.

Generally elopement takes place where the parents of the boy or girl do not give their consent for the union. After eloping to a distant place, the boy and the girl get married and live as man and wife. After a couple of years, especially after their first child is born, they may return to the boy's village and be accepted in the society. For this they are liable to give a penalty feast to the villagers and relatives on both the sides. The boy also pays a nominal bride price to the girl's parents.

In some other cases, the boy and the girl run away together to a different village and take shelter in the house of a close relative of the boy. On then next day the parents of both of them are informed by that relative. On getting the information both the boy's and girl's parents alongwith some of their villagers reach the place where the boy and the girl have sheltered. There both the boy's and the girl's parents assure their son and daughter that they will give their consent if both of them will marry each other. Then both the parents alongwith their son and daughter return to the boy's village. There the boy's parents arrange a feast for the girl's parents and her villagers. During this feast the date is fixed as to when the boy's parents will pay the *Karang Luganga* (bride price) and *Dal Mamuli* to the girl's parents and her villagers. After the feast the girl's parents and villagers return to their own village leaving the girl in boy's

house. From that day the boy and girl are considered to be man and wife. On the appointed day the boy's parents alongwith villagers go to the girl's village to deliver the bride price (*Karang Luganga*) and *Dal Mamuli* as promised earlier.

Marriage by Service (*Ghar-Join Sachenja*):

Such types of marriages are prevalent among the Kutia Kandha of Belghar area. In normal arranged marriages the cost of bride price and marriage expenditures are very high. Normally the Kutia Kandhas are poor and it is not possible for many of them to afford such heavy expenses. So those who are unable to afford the expenses of an arranged marriage may go for this type of marriage in which the boy renders free labour to his would be father-in law by staying in the latter's house for a couple of years in lieu of paying the bride-price. The period of service is normally two to three years. After the stipulated service period is over, if the bride's parents are satisfied with the boy's conduct and services, the marriage is performed in a very simple ceremony. In this marriage the groom may stay permanently in his in law's house or comeback to his own house with his wife to his own village. This type of marriage is considered less prestigious as compared to the formal marriage by negotiation.

In such cases the boy with his parents and village *Majhi* (secular headman) and *Jani* (sacerdotal head) go to the chosen girl's house and express their inability before her parents to pay the bride price and *Dal Mamuli* but propose that the boy will stay in girl's house as son-in-law (*Ghar-join Sachenje*) at least for two to three years and assist in all the household and agricultural works. They promise to give the bride price and *Dal Mamuli* (community feast) as soon as possible. Then and there the marriage is finalized and from that day the boy stays in girl's house while his parents and villagers return back to their own village. But during his stay in the girl's house the boy is not allowed to lead his conjugal life with the girl until his father gives the communal feast (*Dal Mamuli*) to the girl's villagers.

Case Study - VIII

H. Majhi son of S. Majhi of village Tuakela wanted to marry K. Majhi, the daughter of L. Majhi of village Srambuli. To negotiate this marriage S. Majhi went to B. Majhi's house and discussed with him regarding the marriage of his son to the latter's daughter, K. Majhi. The girl's father demanded a heavy amount of bride-price i.e., Rupees 200/- in cash, one buffalo, 2 pieces of *kuri*, 4 new clothes, 7 arrows (*apka*) and two tins of liquor. S. Majhi being a very poor man showed his inability to pay this price. Then he came back to his village. After two months S. Majhi again went to L. Majhi's house with two of his kinsmen. From the girl's side her father, Majhi, Jani and other elders of their village discussed with the boy's father in the girl's house. There it was decided that the boy would stay for two years in the girl's family and work for them in their fields as well as assist in household works also. The boy, H. Majhi being a sincere and hard working person worked for the girl's family for two years and pleased them with his hard work.

After the service period, the marriage ceremony took place and the groom on the request of his in-laws stayed in his in-law's house with his wife permanently as a resident son-in-law.

Marriage by Capture (*Jhika* or *Reja nona*) :

This kind of marriage is not considered very honourable by the Kutia Kandha. But it is resorted to for two reasons viz- (i) to avoid payment of the high amount of bride-price for regular arranged marriages and (ii) to get rid of parental objection to the wedlock. It is also found that in two cases one in Belghar and another in Rangaparuru, the bride's father invited the groom to capture his daughter to avoid the heavy expenses of a wedding feast which is given by the bride's parents to the groom's party on the marriage day. In this case a very nominal bride-price was paid. The bride prices included only are *kuri*, three pieces of *apaka* and two pieces of new clothes amounting to Rs.100/- only.

Capture often takes place against the consent of a girl. From the case study collected from our informants in the study villages, it is seen that generally the capture of a girl takes place in the weekly market where the girls come to purchase their fancy articles or in the forest where the girls go to collect firewood, edibles materials and minor forest produce or in the dongar land while she is working.

Sometimes when a boy and girl fall in love with each other and desire to marry each other or where the bride-price demanded for the bride is not affordable by the groom or when the parents of the boy and girl object to their marriage, the girl often asks her lover to capture her. Later, they are accepted in the society after paying the customary penalty feast and a nominal bride price.

The Kutia Kandha youth with the help of his friends may capture his chosen girl takes her to his home from the weekly market, jungle, dongar, way side etc. The capture can be done on any day of the week. If the girl is known to the boy earlier and willing to be his wife then she sleeps with the boy from the day of the capture. On getting the information, the girl's parents, relatives and villagers go to the boy's village on the next day of the capture and ascertain the consent of the girl for the marriage. Generally the girl agrees to become the wife of the youth who has brought her to this home. After that the boy's father entertains the girl's parents, relatives and villagers with a feast of rice, buffalo/ pig meat. Then with the mutual consent of both the parents a day is fixed for payment of bride-price to the girl's parents and hosting of *Dal Mamuli* (feast for both bride and groom's villagers) by the groom's parents. On the appointed day, the girl's parents party come to the groom's village and the groom's father gives the *Karang Luganga* to the bride's parents and also a grand feast (*Dal Mamuli*) to both his own and girl's villagers. Then the girl's party returns to their own villages.

In this type of marriage, the girl may be captured by the boy himself with the help of his friends, or not by the boy but by his friends only. In case the girl is not acquainted with the boy previously or she is not willing to marry him, then on the captured night the girl refuses to sleep with the boy. She sleeps separately surrounded by younger sisters and brothers of the boy. On the next day when her parents and villagers come to the boy's village to know about her willingness for the marriage, she shows reluctance. Then she is handed over to her parents and sent back to her own village. In some cases the girl captured against her will flies away to her own village on the next day of the capture.

Case Study - IX

B. Majhi son of J. Majhi of village Kusamunda had once gone to Surangbaru village of Jhiripani Panchayat. In that village he came to know from his relatives that there is a good girl, named S. Majhi. He also saw that girl in that village and decided to marry her. When he came back to his village Kusumunda and told this to his parents, his father J. Majhi went to see the girl and put the marriage proposal before the girl's father. With J. Majhi, his younger brother, wife and the maternal uncle of the boy had gone carrying 2 bottles of country liquor with them. When they arrived at the girl's house P. Majhi, the girl's father received them. Then the girl's father called some of his village elders and both the parties had discussion. The bride's party demanded heavy amount of bride-price and J. Majhi expressed his inability to meet their demand. The girl's father said that he will not give his daughter without getting the bride-price (*jula*). Then the boy's father came back. In the meantime the boy, B. Majhi had developed intimacy with S. Majhi by visiting her village secretly and they decided to marry. So the girl insisted that the boy should capture her on a particular day from the Belghar weekly market. Accordingly on that scheduled day, B. Majhi along with his eight friends went to the weekly market and took away S. Majhi. At that time her friends tried to rescue her and a mock fight took place. But finally B. Majhi managed to take her to his own village. After getting the news, the girl's father accompanied by his village elders and relatives came to Kusamunda and demanded bride-price from the boy's father. Since the girl was willing to marry B. Majhi, her father could not claim a high amount and so, the boy's father paid a nominal amount of bride price and hosted a feast at a later date to settle the issue.

Divorce:

Marriage is a kind of contract in the Kutia Kandha society. The marriage could be dissolved only on certain grounds prescribed by their customs and traditions with the approval of the village council. There are no codified laws by which the husband can divorce his wife or vice versa.

If the husband gets any information that his wife is involved in extra-marital relationship with another man or if he finds her lazy, adamant, uncooperative quarrelsome, suffering from incurable disease, or sexually frigid then he goes to divorces her.

In case of woman, if her husband is lazy, impotent and unable to maintain her properly, a patient of incurable disease or involved in adultery, then she can desert him, forcing to divorce her. There is no ritual for the divorce. In case of husband, he simply drives her away from his house and in case of wife, she simply goes back to her parents' house or elopes with someone whom she loves really. In such cases according to their custom, the wife's parents have to refund the bride-price if she is found guilty in divorce case. But the matter must be placed before the traditional village council and the approval of the council is obtained before the final separation and dissolution of marriage.

To finalize a divorce, a meeting is held in the boy's village and to this meeting the girl's parents are also summoned. The *Jani* of the boys's village heads the meeting. In this meeting the husband complains against the wife and it is discussed in the meeting. The *Jani* gives the final verdict. If the divorce takes place due to husband's faults, he cannot claim return of the bride-price from her wife's parents.

Case Study -X

S. Jani son of B. Jani of the village Rangaparuru got married to R. Majhi, the daughter of B. Majhi of the village Sindhikola, three years back. After marriage, S. Jani observed that his wife is not plastering the house and also not maintaining the house properly. She also neglected cooking food and did not serve food to S. Jani in time. She also did not help S. Jani in outdoor economic activities. When S. Jani questioned her conduct a hot exchange of words took place between them. After this event S. Jani did not talk to her and also did not sleep with her. It continued for two years. Then one day S. Jani went to R. Majhi's father's house, complained against her and asked him to come to his village on a particular day. On that day her father came with two of his friends. A meeting was called. The villagers of Rangaparuru attended the meeting. After two hours of discussion the *Jani* gave his verdict that R. Majhi was guilty and she may go back to her parent's house and her parents should return the bride-price taken at the time of marriage to S. Jani. After two months R. Majhi's father returned the bride price. Thus the divorce case was finalized.

Generally in the Kutia Kandha marriage the time span starting from negotiation to the actual marriage and the coming of the girl to his husband's house to live permanently is very long. Normally it takes two years or more. But in case of widow, separated and divorced women this time span is reduced to one year. In this case within one year negotiation and marriage are completed and the woman comes permanently to stay in her husband's house.

Secondly in certain negotiation marriage, bride-capture is arranged upon the mutual consent of both the sides. When the bride's father is unable to entertain the boy's party coming to his house to take the bride in a formal marriage. If the boy captures the girl, the girl's father need not give any feast to

the boy's party. After the capture, the girl, like normal negotiation marriage is taken to the boy's house and after seven days she returns to her parents' house as per the existing custom. Then after six months or so the boy's party goes to the girl's houses to bring her back permanently. In this type of marriage the rituals, series of visits, the exchange of presents and feasts are cut short.

Remarriage of the Widow or Widower and Divorcee :

In Kutia Kandha society the widows, widowers and divorcees can remarry. A widow can remarry the younger brother of her deceased husband or other person of her choice. A widower can remarry the younger sister or his deceased wife or the widow of her deceased younger brother or a divorced woman or any other woman of his choice. Thus a divorced man or woman has the freedom of marrying any one by mutual consent and the approval of the guardians of both the sides. In these cases no bride price is demanded and no formal wedding proceedings are conducted. At the best, the husband entertains the village functionaries, elders and his near and dear ones with food and liquor according to his capacity.

A Kutia Kandha widow can stay in her late husband's house and be maintained out of the property left by her late husband. According to the customary rule of the Kutia Kandha, if a widow remarries to some one other than her ex-husband's younger brother, then she will lose her claim for maintenance from the properties of her late husband.

MAINTENANCE, GUARDIANSHIP AND ADOPTION

The Kutia customs regarding maintenance of old parents, minor children, unmarried or handicapped brothers and sisters to a great extent resemble the provisions in the Hindu Law. It is an obligation for all the able bodied members to maintain their kins who are dependent on them. But their customary law relating to the minority, guardianship and adoption appears to be more systematic. Their society approves both *de facto* and *de jure* guardianship. According to their concept there cannot be a single minor without a guardian.

Maintenance:

Ever since the beginning of human civilization when men realized their obligations towards their near and dear kins at a certain point of time, the rules of maintenance have come into existence and occupied an important place in the society. The Hindu law recognizes that a person has a personal as well as legal obligation to maintain certain near relations, such as wife, minor sons and daughters, aged parents whether he possesses any property or not. The obligation to maintain these relations is quite personal in character and arises from the very existence of the relation between both the parties.

The Kutia Kandha follow similar principles. It is the duty of all sons to look after their old parents even if the latter have left no properties for the former to inherit or if the family property has been partitioned among the sons who live in separate establishments after their marriage. However, it is the responsibility of the only son or the youngest son to stay with the old parents in the paternal house (when elder brothers are separated after their marriage), maintain his old parents, perform their funerary rites and thereafter inherit the paternal house and personal belongings of the deceased parents. An adopted son or any near male kin of an issueless couple who shall inherit the properties of the latter must shoulder these responsibilities failing which he cannot claim inheritance over the property of the deceased.

It is also the duty of parents to maintain their minor, unmarried and handicapped children. In the event of their death or disability, this responsibility passes to their sons, brothers or any other nearest male kin who inherits or manages their property. After death of the husband, the widow remains in charge of maintaining the minor children until the eldest son becomes major

and capable of taking over the management or until she remarries and leaves her deceased husband's family establishment. In case of remarriage to an outsider (who is not an immediate male kin of her deceased husband say a younger brother) the maintenance of her minor children is taken up by the nearest male kin of her deceased husband who inherits her husband's property. Hence, it becomes the duty of the parents, grand parents and brothers of the deceased to maintain the latter's minor and unmarried children if his widow remarries to someone else.

Case Study - XI

In the village Tuakela, D. Majhi's eldest son died leaving a young widow and a six months old baby son. The young widow was persuaded to marry the younger brother of her deceased husband. She refused it, when another man from Gurlimaska proposed to marry her. The widow agreed to marry him. The man gave one buffalo and some liquor to the widow's in-laws towards *mahat* and then took the woman as his wife. The widow went to stay with him leaving the baby son with her ex-husband's parents. Then D. Majhi shouldered the responsibility of raising his orphan grand child, named J. Majhi.

Even if a dead man left no property for his widow and children, his parents, brother's immediate male kins or any other kin who is willing may assume the responsibilities of maintaining the widow and children.

Case Study - XII

D. Jani of Kakda village died leaving his widow, a son and a daughter. His neighbours from whom he had taken loans took away whatever little landed property he had. Hence, his widow and minor children had no means of livelihood. D. Jani's cousin brother R. Jani who had shifted his residence to Kusamunda long ago came to attend D. Jani's funerary rites. Seeing the living conditions of D. Jani's widow and children he took them to his house. He built a separate shed to accommodate them. The widow and her children helped R. Jani in all his indoor and outdoor subsistence activities. With the passage of time, the boy and girl grew up and R. Jani as their guardian, made all arrangements for their marriage. The girl married a Kutia boy of Grisaska village. Now she is living happily with her husband and children. The boy became the resident son in law of late S. Majhi of Kusamunda. He had married again after the death of her first wife, and is now living elsewhere.

Although the agnatic kins bear the first responsibility of maintaining minor orphan children, often a minor child as a matter of right and of course due to emotional attachment next in the order come their maternal kins.

Case Study - XIII

A minor boy named, P. Majhi, son of M. Majhi of Kumurabali came to stay with her maternal uncle D. Majhi of Tuakela after the death of his father. When he grew up he went back to his father's house to manage his dead father's assets.

In case, of an illegitimate child born prior to formal marriage of his/her mother, the burden of maintenance shifts to the legitimate husband of the child's mother. If the husband refuses to take the burden, the child may stay with the mother's parents, brothers or relatives or the child may be adopted by any one who is willing to accept the child. Often issueless couples adopt such children.

Case Study - XIV

D. Majhi, daughter of D. Majhi of Kadapana village was engaged to a youngman of Kusumunda. In the meantime she she fell in love with another man belonging to the neighboring village, developed sexual intimacy with him and became pregnant. When her would be husband's relatives in Kusumunda came to know about this, they came to the girl's house and demanded *mahat* from the girl's father and refused to accept the girl as their bride. The girl refused to disclose the name of her lover. Then K. Jani, a married man of Rangaparuru, who had no issue from his first wife came to D. Majhi's father and wanted to marry the pregnant girl. He offered one buffalo and some liquor as bride price and married the girl. The pregnant girl gave birth to a girl in her husband's house after three months of her marriage. Her husband, K. Jani accepted the baby girl as his daughter without any hesitation.

In the Kutia society, a woman who has no right to own or inherit property is liable to be maintained by her consanguineal and affinal kins depending upon her place of residence and marital status. Her parents or brothers or her grandparents, or other immediate agnatic kins maintain an unmarried girl. After marriage she shifts her residence to her husband's place. There the husband or his relatives maintain her as long as she continues to stay there and the marriage remains valid. Even a widow who stays in her husband's house and or with husband's relatives is entitled to claim maintenance from her husband's property or she herself can take over the management of the assets left by her dead husband. Her husband's immediate male kins are responsible to maintain her even if her dead husband left no property. In the event of her remarriage and divorce, a woman loses her claim for maintenance from her husband's side. A divorced woman or a widow may come back to stay with her parents, brothers or any other relative. But such cases are rare. Thus the liability of maintenance of women is transferred from persons to person with their change of residence by marriage, adoption and divorce.

Guardianship of Minors:

As mentioned earlier the Kutia society recognizes both *de facto* and *de jure* guardianship for minor children. According to their customary law, there ought to be a guardian to look after the welfare of each and every child whether legitimate or illegitimate.

A Kutia child is considered to be a minor up to the age of 12/13 years i.e till he/she attains puberty. During the period of minority his/her guardianship is determined as per the following norms.

- (1) Father, as long as he is alive, is the natural guardian of the child.
- (2) After the death of the father, the mother becomes the natural guardian of all her unmarried children until they are married and separated
- (3) When both the parents are dead, the eldest male child, if any, who should necessarily be a major, assumes the guardianship of all her minor brothers and sisters
- (4) In the absence of a major male child to take over the responsibility, the guardianship of minor children is held by father's parents or any one of the parents who is alive.
- (5) If there are no grand parents the burden of guardianship of minor orphan children passes to the next full brother and then to next half brother of their deceased father.
- (6) Then it passes to the next cousin brother of the father.
- (7) Then it passes to the nearest male kin of their father who stands in a relationship of an uncle, grandfather, brother to the orphan children and belongs to the same clan.
- (8) In case no one from the patri-clan is prepared to take the responsibility, then it goes to the maternal uncle or grand parents.
- (9) In case of an illegitimate child, his/her mother's legitimate husband becomes the guardian.
- (10) Alternatively, if the mother's husband refuses to accept the child, he/she may be kept under the care of mother's parents, brothers or any other kin or any body else who is willing to take care of the child.
- (11) If a couple gets divorced, the children remain with the father. If they are too young to leave their mother's care, they are allowed to stay with their mother and then return to their father when they grow up. This principle is also applicable to the children of a married woman or widow when she remarries.
- (12) In case of a minor child adopted by someone, the adopted father but not the child's real father becomes the child's guardian.

Adoption:

The practice of adoption is in vogue in the Kutia society. It is a system by which an unrelated person or a distant kin becomes a close kin and a legal heir. It is done to fulfill the needs of both or either of the parties. Issueless couples may adopt a male child to look after them during their old age.

continue their family line and inherit their property and social status. A couple having children may adopt a child when their own children fail to look after them. On the other hand, any person or any couple may adopt an orphan or destitute child whether issueless or not.

Children of either sex can be adopted. The adopted son has rights to assume the title, status and property right of the adopter. For the purpose of adoption, the adopter should at first choose a child from among his nearest agnatic kins. If his agnatic kins fail to provide a child, the adopter has the option to find a child from somewhere else even outside his own clan and his kinsmen cannot object to it. The adopter may adopt a destitute/orphan Kutia child from a different clan.

The adopted son has to discharge all the duties of a real son towards his adopter parents. He must support the old couple during their old age and perform their funerary rites when they die. If he fails to discharge his duties towards his adopter parents or violates the customs, such as by marrying a girl of lower caste, his claim to succeed his adopter and inherit the latter's property and social status is automatically forfeited.

When the adopter has his own sons, his properties shall be equally divided among all the sons including the adopted son. Where there is a separation of adopter and adoptee after their living together for many years and thereafter maintaining the adopting parents for a number of years, the adoptee may or may not get the share of his adopted father's property. This mainly depends upon the case of their separation. If the adopted father is responsible for separation then the adoptee has right to claim a share of adopter's properties or may claim maintenance out of it. In that case the adopter's nearest kins take a major share of the adopter's properties and may give a part of it to the adoptee if they decide to do so. On the other hand if the adoptee is guilty, he cannot claim anything. Further, if the adopter has his own sons and the adopted son gets a share from his own father's property, he can't claim a share from his adopted father's property

The adopted son is required to support the remaining members of his adopted father's family, such as the widow, minor children and old grand parents etc. after the death of his adopted father. If he fails to do so or returns to his own blood parents and relatives, he can not claim a share from his adopted father's property. On the other hand, the adopted father should look after the welfare of the adopted child like his own child. He should provide food, clothing, shelter, education and treatment of diseases with love and affection. He should arrange for the marriage of the adopted child and pay the bride price for his adopted son. In case of fixing the marriage for an adopted daughter, the adopted father negotiates and receives the bride price.

Case Study - XV

K. Jani, son of late G. Jani of Rangaparuru had no issue after four years of his marriage. He and his wife decided to adopt a child. So they adopted a girl child who happened to be their niece. She is K. Jani's father's elder brother's son's daughter. She was a minor child only eight years old at the time of adoption and her own parents agreed to give their daughter for adoption. K. Jani bought a new frock for the girl, which she wore and came to stay with him on the day of adoption. K. Jani's relatives did not object to this as they had advised him to adopt the child.

Case Study - XVI

R. Jani of Kusamunda had adopted a male child named B. Jani. He happened to be a consanguineal kin of R. Jani. He is the great grandson of R. Jani's great grandfather's elder brother. His parents died and R. Jani being their kin had attended the death rites of B. Jani's father. R. Jani saw that late G. Jani did not leave any landed property or any other assets for the maintenance of his minor son. Their kins folk contributed for G. Jani's death rites but none of them came forward to take care of the orphan boy. At last R. Jani shouldered this responsibility. The boy came to stay with R. Jani when he was twelve years old. R. Jani's wife loved him and took care of him more than her own child.

As the boy grew up, R. Jani arranged his marriage with a Kutia girl of Kadapana. He bore all the expenses towards bride price and marriage, which was quite expensive. Then B. Jani and his wife lived together for one year. In the meantime, he developed illicit love affairs with a young maiden of Lohara caste belonging to his own village. As a result, his wife deserted him and went back to her parent's house with an intention never to return again. He eloped with the Lohara girl and stayed with the girl's relatives at Ambadola for three years.

The Lohara are considered lower in status by the Kutia. Kutias do not accept food and water from Loharas because Kutias consider themselves as superior while Panos and Loharas are regarded as their servants. By marrying a girl of lower caste B. Jani not only breached the customary marriage norms but also brought social disgrace to his adopted parents, fellow villagers and the Kutia community as a whole. His adopted father R. Jani was summoned to the village council of elders and asked to disown the recalcitrant adopted son and pay the required penalty. R. Jani had to pay a heavy penalty in kinds of liquor and one goat for readmission to their society. After disowning the adopted son, he withdrew the piece of cultivable land he had allotted to him after his first marriage and took possession of that land by himself.

B. Jani with his Lohara wife returned to Kusamunda after three years and stayed with the parents of her wife. He is so ashamed and afraid of his adopted father for his own conduct that he has no courage to face him and revive his relationship with him. R. Jani has severed all ties with him.

PROPERTY

(Ownership, Inheritance and Transactions)

Property as defined by Mac Iver (1945) simply does not mean "wealth or possessions only but the right to control, to exploit, to use, or to enjoy wealth or possessions". It should not be understood simply as things or assets but relationship between people and things. Concept of property assumes a set of things and social relationship. It establishes only one of the relationships of people and things that is universal in character.

Property is of two kinds – (i) corporeal and (ii) incorporeal. Corporeal property comprises everything tangible, such as land, house, tree, gold etc. which may be of two types, movable and immovable. The incorporeal property means intangible or non-material possessions, like art, magic, song, music, skill or expertise which cannot be divided like corporeal property but can be shared or inherited.

From the Kutia Kandha point of view, the concept of property embraces a larger inventory of possessions than the modern man can think of. The land upon which the community lives, the beasts that rove on it's wilderness, the domestic animals that graze upon it, the trees and crops, the hills, forests, and streams, the houses people erect, the clothes they wear, the songs they sing, the dances they dance, the charms they incant and many more are their objects of property.

The Kutia Kandha also distinguish between public and private property. By public property they understand those objects, which are owned communally and can be freely enjoyed by all members of their own community. The hills, forests, streams, places of worship, roads, swiddens, the youth dormitories etc. are treated as communal property.

The private properties of the Kutia Kandha are of two kinds inherited and self-acquired. The ancestral property is inherited from forefathers along the male line of succession and inheritance. The property self acquired by a person during his life time can be gifted to someone, sold or mortgaged in any manner according to his/her will and pleasure.

The essential nature of property is found in its qualities as a social institution. Property lends formal expression to their social structure. It specifies

and allocates access not only to concrete necessities such as land and food supplies but also enhances the social status of the owner. According to Hoebel (1979) "Property in its full sense is a web of social relations with utilization of some object (material or nonmaterial) in which a person or group tacitly or explicitly recognized to hold quasi-exclusive or limiting rights of use and disposition".

In the Kutia Kandha society much importance is attached to the corporeal property, which is controlled according to their longstanding customary norms by the individual family, and the local patrilineal descent group called *kalmbu* or *gochi*. Each Kutia family possesses some movable and immovable property for support and sustenance. The movable properties are livestock, utensils, ornaments, implements, clothings, furniture, food grains and objects of art and handicrafts. Their immovable property includes aerable lands, house, housesite, trees etc. Among these, land and gold are considered most valuable.

Land as Property:

Like other societies, the Kutia Kandha society is also territorially based and most of their sustenance is drawn from the soil, either directly or indirectly. Land is therefore a valuable permanent asset for the Kutia Kandha who derives their subsistence from a land based agro-forest economy.

In the past, the Kandhas including the Kutia section, held their land directly from Government. They had no other landlord and claimed permanent rights in the soil. They themselves, however, attained the position of petty landlords by the grant of a portion of their land to outsiders or to their poorer relatives. Under tenants were never supposed to acquire any permanent right of occupancy in their holdings, and were expected to acknowledge the claims of their landlords by the yearly gift (*mutha*-rent) of some rice, a goat and some liquor. Their tenure depended solely on the good will and prosperity of their landlords, and they may be ejected simply by being told to leave. They had no right to alienate their land nor were they ever permitted to sacrifice to the earth-goddess upon their holdings, a rite indicating permanent ownership, which no one but the owner of the land may perform. Produce rents were sometimes demanded one-third or a half of the yield being the usual quantity given. The custom was still in its infancy, though the Kandhas have much land that they could profitably lay out in this way. Some of them owning extensive holdings threw open the highlands to their landless brethren, neither seeking nor getting any *mutha* rent from them.

They were not under any landlord until the *Mustajari* or *Mutha* system was introduced. Even after the intermediaries like the Mutha head, sub-Mutha head, their subordinates and the village heads came into power, the Kandha continued to hold land as if they were the landlords. The villages where the Kandha resided were grouped into several *Muthas*, and each *Mutha* was

homogenous in clan composition. In earlier days there was more land in relation to population and the Kandha were in possession of large holdings.

When a man dies without a male issue, his land passes to his nearest male relations and is divided equally among them. They must support the widow and the daughters, if any, and get the latter married when they grow up. Women in Kandha society cannot hold land. But they can claim maintenance. The joint community system prevails amongst the hill Kandha with regard to the ownership of land. The people of each village, on a larger scale, and those of a *Mutha* own them jointly. Outsiders cannot possess land within a *Mutha*. Each *Mutha* is generally composed of a single sept or clan, and therefore, an outsider who does not belong to that particular sept and is not a bonafide member of the *Mutha* has no right to acquisition of land in the *Mutha*. More over, an outsider who is not related by blood to the people of the *Mutha* is looked upon as an interloper, and, in no case, he is allowed to acquire any permanent right of occupancy in their holdings.

Each Kutia village has occupied a patch of territory since its inception with well defined boundaries marked by natural landmarks like rocks, trees, streams, hillocks etc. Everything within the territory belongs to the village community. Neighbouring villages recognize the common boundaries called *sandhi* and trespassing is extremely rare, because it is a serious offence leading to bloody disputes and violent retributions. However, in their socio-political system, Kutias have evolved their customary ways and means to settle such disputes.

Generally for settlement of boundary disputes between two or more villages, the intervention is sought of an official of the concerned *Mutha* –the territorial socio-political unit comprising a group of villages. According to their customary practice, the villagers who are offenders have to pay a compensation called *pala* to the aggrieved villagers and the dispute is thus settled. There are also provisions that the members of one village may be permitted to exploit the land and forests lying within the territory of another village after paying the customary *pala* to the latter in advance. The *pala* is paid in terms of food grains, liquor and few heads of animals like goats, pig's or cattle which are consumed in a communal feast by the villagers who are owners of the territory. But trespassing without payment of *pala* is a serious matter. The following case will illustrate this aspect of Kutia culture.

Case Study - XVII

A boundary trespassing dispute occurred between two Kutia villages Batipada and Rangaparuru in the past. The villagers of Batipada once trespassed in the common boundary between both the villages and entered into the territory of Rangaparuru. They cleared a hill on Rangaparuru side to start shifting cultivation. A bloody dispute occurred when the people of Rangaparuru rose to defend their

territorial rights. There was much causality on both the sides. The matter was brought before the *Patro* (ex-*Mutha* official) of Belghar *Mutha* who still commands confidence of Kutias of Belghar-*Mutha* in deciding such customary disputes. With his intervention the dispute was settled. The villagers of Batipada agreed to pay the *pala* to the villagers of Rangaparuru and as such they were permitted by the latter to cultivate the disputed hill site for two years.

Shifting cultivation is the mainstay of Kutia subsistence economy. Settled plough cultivation in the hill bottom wet lands is a recent phenomenon. In this context the Kutia distinguish four categories of lands, which are put to productive use for their sustenance. These are (i) swiddens or shifting cultivation sites on the hills which they call *gudia* or *nela*, (ii) high and dry lands called *padar* or *bata*, (iii) hill bottom wetlands called *mera* and (iv) kitchen garden called *bada*.

The swiddens are not private property. These are communal property belonging to the village community. The traditional village council distributes the swidden plots among the families of the village before the onset of the cycle of shifting cultivation in the hill site. The size and number of plots allotted to the individual families varies according to the size, work capacity and need of the families. Longitudinal sections running up and down the hill slope make the plotting. The plots are demarcated from one another by lining the common boundaries with rocks and pebbles. A site is cultivated for three consecutive years and then abandoned for at least six or seven years to recuperate.

Shifting cultivation requires more manpower than any other kind of cultivation. In order to run this labour intensive enterprise, the socio-economic system of the Kutia Kandha have provided for organized group operations and a high degree of mutual help and cooperation without which they cannot survive.

All the able bodied men and women of a Kutia village, join together to clear the site for plotting in February, and to fire the vegetations and guard the crops. The villagers help to cultivate plots allotted to the helpless widows, old, sick or disabled persons who are unable to work and support themselves.

The fruit-bearing trees like, mango, jack-fruit, tamarind and *mahua* are spared while clearing the sites. In the month of March and April those are cleared for cultivation. The seeds are dibbled on the ash covered soil. In the 1st year bumper crop is harvested. The crop production in the second and third year diminish with the diminishing soil fertility. On the fourth year the patch is abandoned for recuperation. After abandoning the old patch a new patch on the hill slope is selected for cultivation. The family returns to the previous site after 6 to 7 years. The Kutia Kandha build a hut on each *nela* which serves as a rest shed during working hours and guarding the crop from the wild animals.

The right of the individual family is limited to cultivate and enjoy the produces of the swidden plot allotted to it by the village council. It has no right

to sale, lease out or mortgage the plot to someone for share-cropping or disposes it off in any other manner. The non-Kutia families staying in a Kutia village cannot claim allotment of these plots. Like other sections of the Kandha, the Kutias claim that they are the autochthones and landlords of their own territory. Hence ownership of all the lands in their area is their exclusive right. Other communities like Pano, Paika, Lohara etc. are there to serve them and servants cannot claim ownership right over their lands.

This kind of strong emotional attachment of Kutias with their land and forest over a long period of time has been challenged in these days by the fact that most of their lands are now covered under protected or reserve forests. They are no longer free to pursue their slash and burn cultivation as they were doing before due to stringent forest laws against this destructive practice. These simple and ignorant natives are yet to understand as to why they are being deprived of their exclusive age-old rights to exploit their land and forest, which have been their property since the time of their forefathers. They loathe the forest guards, police officials, revenue officials and outsiders who tell them that those hills and forests are now Government property in which they cannot hunt animals, fell trees or carry out shifting cultivation. Sufficient wetlands are not available. No other means of livelihood are found. But the Kutia are to live anyhow. Their swiddens with the timber, fruit plants, fruits, flowers, game animals and agricultural produces are their treasure as dear as life to them. They cannot live without them.

Case Study - XVIII

The forest guards book cases against Kutia families practising shifting cultivation. Some years back seven Kutia families of Rajam village were dragged to Baliguda Sub-divisional court and were fined between Rs.100/- to Rs.500/- for practising shifting cultivation in a reserve forest located inside their village territory. This practice is not going to stop overnight by enacting laws unless and until some viable alternative is given to Kutias.

The high and dry-land (*padar*) located at lower hill slopes are used for cultivating some cereals and pulses like early paddy, minor millets, mustard, castor and *tila*, etc. These lands are reclaimed by Kutia families by their own endeavour and therefore have become their private property. Unlike the swidden plots the *padar* land can be inherited shared, sold or mortgaged if required.

The low land or paddy land locally called *mera*, are found in the narrow vallies between the mountains. In most of the *Mera* land perennial hill streams cut through or pass by the side. Only paddy is cultivated in this type of land and after the harvest the land remains fallow till the next sowing. But in some villages, now-a-days, cabbage, cauliflower, brinjal, radish and chilly are cultivated in *rabi* season.

The low land plough cultivation is a recent practice. Kutias say that the settled plough cultivation, which was alien to them before independence, have been introduced in their area by the welfare agencies after independence. This kind of cultivation is gaining popularity. But the lands suitable for the purpose are scarce.

Moreover, there are no assured irrigation facilities available. In some Kutia villages some resourceful families have taken up settled cultivation after reclaiming the hill bottomlands suitable for the purpose. The local revenue authorities have issued them *pattas* granting ownership rights to encourage this new practice. Since most of the forest lands are now under the jurisdiction of forest department and enough wetlands are not available for all the Kutia families, they are forced to resort to shifting cultivation for their livelihood.

Their wetlands (*mera*) lands are privately owned and the owner pays rents annually to the revenue authorities.

The spacious kitchen gardens (*bada*) found at the backyards of Kutia houses are well manured and carefully fenced. In this plot they grow tobacco, mango, jackfruit, papaya, maize, brinjal, chilly, pumpkin, gourd, beans, mustard, drumsticks, ladies finger and tomato etc. The produces are used mainly for domestic consumption and the surpluses are sold in weekly markets. These lands along with the housesite come under individual ownership.

But all the Kutia Kandha backyards are not cultivated. The cowshed is built in the backyard and some backyards remain barren throughout the year.

Except the swidden plots the other three categories of landed property are recognized as private property for which the concerned owner holds the *patta* (record of rights) and pays the revenue to Government. As the objects of private property, these categories of lands can be inherited, shared, sold, mortgaged or disposed off in any other manner according to the will and pleasure of the owner when such need arise. The village community does not ordinarily interfere in such transactions unless customary norms are violated. Among these categories of lands, the wet paddy lands and kitchen gardens are considered as prized possessions. They carry a higher value in all kinds of transactions and their possession enhances the social status of the owner.

Inheritance:

Customary rules of inheritance in Kutia Kandha society reflect the total ideology of their society. While both the sexes contribute for acquisition and management of property only male sex holds the monopoly rights of inheritance and ownership of property. Since the Kutia Kandha society is patrilineal, patriarchal and patrilocal in nature, the property, offices and social status are inherited along the male line.

As regards the private property the inheritance and management is governed by the rules of kinship and descent. The local agnatic descent group, called *gochi* effectively regulates inheritance of property and solves the problems arising in such matters. It keeps the property intact while distributing the rights among its members and maintains the continuity of rights across generations.

In a Kutia family father or the senior most male member is the owner of property. His property is equally divided among all his sons. The married sons usually set up separate household establishments soon after their marriage. Their parents, brothers and sisters help them to start separate establishments.

As per the Kutia traditions, the bride comes to the groom's house where the wedding ceremony takes place. After seven days she goes back to her parent's house for a long stay. The groom's parents and relatives visit the bride's parents, time and again, with gifts and presents requesting them to send back the bride. But the bride's parents remain reluctant to respond inventing excuses. They do not send the girl to her husband until all their demands are fulfilled by her in-laws. This takes a longtime i.e one year at the minimum. When the bride finally returns to her husband, they are accommodated with the husband's parents or brothers in the common paternal household. Due to lack of space in the paternal house, they arrange to move to a new house. They build a new house in a vacant place inside the boy's village. His parents, brothers, sisters and other agnatic kins of the same village render him all kinds of assistance to build the house. They also help in reclaiming some dry and wetlands within the village area in consultation with traditional village leaders and elders in order to enable the newly wed couple to earn their livelihood.

When the new house is ready, the couple moves to the new house in an auspicious day. If they are not self-sufficient, they continue to share food from the kitchen of the boy's parent's household. They join with the boy's parents, brothers and sisters to cultivate the common paternal property and in all kinds of economic pursuits. They get a share out of the produces. When they have set up their separate household, the village council allots them swidden plots. They get a share from the common paternal property after the death of boy's parents when the property is equally divided among all the sons. As a rule, father's property is not partitioned among his sons during his lifetime. The sons also do not demand a formal division of father's property as long as their father is alive even though they are married and live in separate households.

A Kutia man having only one son does not allow the boy to set up separate household after his marriage because the old parents remain emotionally and physically dependent on him. The boy and his wife usually stay in his parental house with his old parents. After the death of his old parents, he automatically inherits the house and all his father's properties. Similarly couples having more than one son become dependent on the youngest son during their

old age when the elder sons get married and live in separate households with their wives and children away from their parents. So the youngest son does not leave his old parents after his marriage and continues to live with them. He and his wife take care of the old couple and conduct the funerary rites after their death. He also arranges the marriage of unmarried sisters and defrays the expenses. For his special and indispensable services, the youngest son gets the paternal house, the personal belonging of his dead parents and a bigger share from the partition of his father's property among his brothers.

As narrated above, in respect of the division of family property among sons or heirs, Kutia custom provides theoretically for equigeniture. In actual practice, the youngest son gets a larger share of paternal property along with the paternal house, which indicates some inclination towards the law of ultimogeniture. However parents can exercise their discretion in respect of sharing their self-acquired personal immovable properties like clothing, ornaments, household assets etc. in favour of one or two male or female heirs whom they love more than others. But for all their immovable properties, they have no choice but share among the heirs except their house, which goes to the youngest son.

Though married sons live separately, they remain emotionally attached to their old parents and unmarried brothers and sisters, who always stay with parents. They maintain their ties with the natal family by looking after good health and well-being of their old parents, unmarried and disabled brothers and sisters contributing for food, treatment and funeral of parents and other members of their natal family and for the marriage expenses of their grown up brothers and sisters. They assume the responsibility of guardianship of their minor brothers and sisters if the parents are dead. However the youngest son who remains in the natal family shoulders a greater responsibility in this matter and his elder brothers lend him a helping hand. Along with inheriting the father's properties the sons also inherit the liabilities of their father. The sons are required to discharge these responsibilities including their father's liabilities even though their father left no properties for them. Failure of the sons to do so evokes public criticism in their society.

In the patriarchal Kutia family, the father or the senior most male member is the sole owner of all the family properties. He can utilize the property in any manner for the welfare of his family. A conscientious Kutia father manages his properties and makes necessary transactions with the help of and in consultation with his family members. A drunkard, irresponsible and autocratic father is always criticized in the Kutia society. His wife children and relatives disregard him.

Except the patriarch, no other family member can own, manage or make transactions of family property except under certain circumstances when the

father is dead, disabled, or otherwise remains away from the family and unable to discharge his duties and responsibilities for his family. In that situation especially after father's death, mother officiates as the head of the family. If her children are minor, she becomes their natural guardian. She manages her husband's properties but has no right to sell or dispose off the same. However she can pledge her deceased husband's assets to incur loans to meet the expenditure for funerals, marriage ceremony, payment of bride price, and treatment of diseases etc. for her family with the approval of her ex-husband's agnatic kins.

When the eldest son becomes major and capable of managing the family affairs, he steps into the vacancy of headship left by his dead, disabled or absent father, relieving his mother off her additional burden. He administers his father's family and properties till his younger brother get married and the family assets are partitioned. In case he has to move to a separate household with his wife and children due to want of space in his father's house, his post marital household remains not as a separate one but as an extension of his natal family whose kitchen is shared by everybody until the family properties are formally partitioned among the brothers. The youngest son – married or unmarried – inherits the paternal house to stay with his widow mother, unmarried sisters and any other dependent relatives. The dependants may be old and disabled kins, widow and divorced daughters, sisters and paternal aunts.

The Kutia kinship system regulates the inheritance of family property. If a man dies without leaving a direct heir, his properties are shared by his agnatic kins. Transmission of family property follows an order of succession. In the first order are immediate lineal kins such as, sons and then grandsons. In the second order come lateral agnatic kins like the owner's brothers, brother's sons and grandsons. Then there are owner's father's brothers, his sons, grandsons or great grandsons. In the absence of these categories of kins, the right of inheritance is claimed by the nearest agnatic kins who are owner's cousin brother, brother's sons or grandsons. If there are many claimants and disputes arise, the traditional village panchayat intervenes to appoint the successors. In absence of any claimant the properties of an issueless headman are taken over by the village community and administered by the village panchayat.

Though agnatic kins hold exclusive rights of inheritance of private property, owner's sister's son can claim a share from his maternal uncle's properties if his uncle dies issueless. The nephew's claims become irrefutable when he is already staying or comes to stay in his uncle's village. He cannot be deprived of inheriting his uncle's properties if his maternal uncle adopts him. Even if his uncle has sons or other male heirs to inherit the property, he gets a share as one of the claimants. If his uncle is issueless he inherits his deceased uncle's house in addition to the property share. But such cases are rare. Kutia value system does not ordinarily favour the claims of inheritance from uterine

kins unless the maternal uncle adopt the nephew or he is needy or compelled under pressing circumstances to put forth his demand for the purpose of his very survival. Of course if the maternal uncle does not adopt the nephew, the latter's sons, grandsons or (if issueless) his other lineal or lateral agnatic kins that are his successors may challenge the nephew's demands. The kin group on either side or the traditional village panchayat settles such issues.

No direct heirs can be deprived of their right of inheritance of private property except under certain circumstances that causes their disqualification. When someone adopts a boy, the boy cannot claim a share from his own father's properties unless he is the only son and only living child of his own father. The inheritance rights of a son or heir (adopted or own) remain suspended when he deserts the family or otherwise remains away escaping his duties and responsibilities towards his family members at the time of need. His rights may be restored if he comes back and allowed to resume his responsibilities.

Marriage in a lower caste is a cause of disqualification for succession. In the past the Kutia were very keen to maintain the purity of their ethnic group. Violation of rules of their tribal endogamy was being viewed seriously. A Kutia boy marrying or eloping with a Pano girl could be socially boycotted and disowned by his family and kingroup. His parents or nearest kins are made liable to conduct appropriate purificatory rituals and pay fines to the village panchayat in form of feast with liquor in order to restore their social and ritual status.

Now-a-days, the Kutia Kandha's attitude and their value system are undergoing change under the prevailing liberal socio-political environment. Now a boy thrown out of his village for marrying a harijan girl can come back to his family after divorcing the girl and be accepted as a member with the purificatory rituals and penalty feast to the villagers.

Insanity, disease and disability are not taken as grounds to disqualify an heir. Such handicapped persons are entitled to get their due share of ancestral property and the property is managed by their kins who support them. The Kutia customs are so down to earth that an unborn child in mother's womb gets a share of ancestral property. If the child happens to be a girl and she leaves her natal family and lives with her husband in a different village, her share of ancestral properties after meeting her maintenance and marriage expenses are shared among her nearest agnatic kins.

Women and Property:

The Kutia customs do not permit women to inherit immovable property. In the male dominated Kutia society, women are treated as living assets belonging to their parents, brother's or husband's families because of their substantial contribution to the livelihood of their families. The social prestige and value of Kutia women are derived from the fact that, they are hard

workers less addicted to liquor than men, more active than men, obedient to men, they make homes, give birth to continue family line and also they bring social prestige to their parents, kinsmen and villagers when boy's relatives come to beg for the girls in marriage before their parents, offer liquor and food in several visits and pay bride price. The boy's side always tries to please and entertain the girl's parents and relatives to obtain their consent. In this bargain the girl's side holds an upper hand to dictate terms to the boy's side. The girl's side wants to extract as much as possible from the boy's side as compensation for parting with a valuable asset of their family.

More women in Kutia family means more swidden plots under possession of the family, more area under cultivation, more forest collections, more production, more earnings and better economic prosperity. Therefore Kutia women are not treated as second-class citizens. They are taken as equal partners of men and enjoy greater freedom in matters of selecting their mates and of their work and movements. The Kutia girls consent must be obtained as per the custom before finalizing her marriage.

The boy's family pays bride price to acquire a Kutia girl as a bride and a working hand. The price is quite high as compared to Kutia economic standards. Hence the boy and his family cannot afford to ill-treat or displease the bride lest, she may desert her husband's family to stay with her parents, brothers or other relatives or she may elope with someone else which is a great economic loss to her husband's family.

The institution of levirate and sororate speaks in favour of economic value of women. The younger brother can marry the widow of his deceased elder provided if the woman is willing. This arrangement saves him from the heavy economic burden of bride-price that has to be paid for acquiring a fresh bride. He does not have to pay the bride-price again to the woman's parents if he marries his elder brother's widow because the price has already been paid by his family to the woman's parents and relatives when she was first acquired as a bride for his elder brother. Thus a woman once acquired as a bride remains as an asset of her husband's family until her death, divorce, and desertion and as long as she lives with the family. In addition to the relief from payment of bride price, this kind of widow marriage also brings other benefits. By marrying the elder brother's widow, the family is saved from the loss of one working hand (in case the widow elopes with and remarries an outsider) and the younger brother also inherits the properties of his deceased elder brother.

Sororate is permitted under similar considerations. A man can marry his deceased wife's younger sister only if the girl is willing. In this case, the bride price is substantially relaxed as the widower's in-laws have already been paid the price at the time of his first marriage in their family. Kutias say that the claim of a widower to marry his wife's younger sister and the relaxation of brideprice

is quite justified in view of the loss suffered by the widower for his wife's death. The widower's in-laws normally do not make objections to marry one of their younger unmarried daughters to him because he has already paid the bride price for their deceased daughter and it is their obligation to provide a substitute.

Although Kutia women cannot inherit immovable properties, they are entitled to take over the management of their deceased husband's family and property and claim maintenance out of their parent's and husband's properties as long as they continue to stay with the concerned families. As daughters and sisters whether unmarried, widow and divorced, they are maintained in the family of their orientation. As wives, daughter-in-laws, and mothers they are maintained in their husband's family even if, they are widow, barren, old, sick or handicapped. Their rights to claim maintenance from their paternal properties or husband's properties are forfeited when they leave the family to elope with and marry or remarry another person. However when a widow remarries outside her ex-husband's family, the family members of her ex-husband claim a token bride-price from her new husband to compensate the loss of the woman as an economic asset for whom they had paid bride-price to her parents.

A Kutia girl's marriage with a boy of lower caste (Harijan community) renders her disqualified to claim maintenance from her father or husband's properties. After becoming widow or divorced, a Kutia woman can come back to live with her parents, brothers or other paternal relatives. She can be readmitted in to the family of her paternal relatives if she had married a man belonging to his own community even if she had eloped with the man against the consent of her paternal kins who might not have received the benefit of bride-price for her. But a Kutia girl marrying a *harijan* boy becomes an out-caste and therefore expelled from her family and community forever. Her parents or guardians have to pay a penalty feast to the villagers and observe purificatory rituals as if the girl is dead. If the girl comes back she is not admitted in to the family. However now a days this custom is not as strict as it was in the past.

Theoretically a Kutia woman may not inherit paternal or husband's properties but by virtue of her right to claim maintenance from her husband's or paternal properties as the case may be, they practically enjoy some possessory rights over the properties indirectly. For example, a widow manages her husband's properties and a girl who is the only child of her parents can claim a share from her parent's properties even after her marriage if she and her husband continue to stay with her parents.

An old Kutia couple having no sons but one or more than one daughter, look for a boy to marry their only daughter or one of their daughters and live with them to look after them during their old age and manage their establishment. The daughter and her husband live in her parent's house and

manage the properties after her parent's death, but cannot inherit the properties. Only their male children can inherit the properties of their maternal grandparents when they are grown up and capable. If the daughter dies without leaving an heir her husband cannot inherit his in-law's properties which will be shared among the male agnatic kins of the owner. It is found that sometimes a son-in-law, compelled under circumstances to come and stay with his in-laws leaving his own village. He is helped by her in-laws to build a house and earn his livelihood but no share of his in-laws properties is given to him because his wife's brothers and agnatic kins who are potential successor to the said properties, do not let him get a share. The following case shall illustrate this.

Case Study -XIX

K. Jani, son of Late D. Jani of Katoli village married P. Majhi, the only daughter of Late S. Majhi of Kusumunda. As K. Jani, was too poor to pay the bride price of a regular marriage, he agreed to serve P. Majhi's parents (marriage by service) in lieu of paying the bride-price and live with them as a resident son-in-law. He rendered free service to work in the lands of S. Majhi for three years and lived with his wife in the same village in a separate hut. After few years S. Majhi died due to old age and sickness. His wife was dead years ago. After three/four months P. Majhi and her baby daughter died within a short interval leaving K. Jani alone. Then S. Majhi's lineage brothers Pr. Majhi, L. Majhi and G. Majhi living in the neighbouring Burlubaru village, forced K. Jani to leave the house and properties of late S. Majhi and P. Majhi. They confronted K. Jani saying "who are you to enjoy the properties of our brother and daughter since our brother, daughter and granddaughter are dead". They shared among themselves all the movable and immovable properties of S. Majhi and P. Majhi including the utensils and ornaments gifted to her at the time of her marriage. When K. Jani claimed his deceased wife's personal belongings, he was given two small pots of bell metal (*kuri*). Thereafter, K. Jani shifted to a distant village Sodeng, after marrying another girl and again becoming a resident son-in-law there resorting to marriage by service.

There is also some scope for Kutia women to possess property individually in polygynous households. Kutia society permits polygyny. In polygynous families the co-wives because of their feminine jealousy and frequent quarrels with each other stay in separate huts. One of them usually the eldest wife called *Badli* stays with the husband in the husband's hut. It is customary for the younger wives (*Sanli*) to obey and respect the eldest wife. They usually share the common kitchen in the husband's hut. If there is severe quarrels and ill feeling among the co-wives, one of them may start her separate kitchen in her own hut where she stays with her children and livestock. In addition to the separate hut each wife is allotted with a piece of swidden with fruit bearing trees and some livestock like pigs, fowls, goats etc. She also raises her kitchen garden around her hut. These assets remain as her exclusive possession till her death and as long as she continues as the wife of the owner even if her husband dies earlier. Her sons, stepsons or her husband's nearest

kins inherit these after her death. She automatically loses her possessory rights in the event of her elopement with another man or her stay with her paternal kins by deserting or divorcing her husband. The income she derives from these assets are her own. She may contribute a part of her income to her husband's common family fund, which is spent for food, rituals, ceremonies and other common expenses. With the remaining part she builds up her own personal funds which are spent for her own and her children's needs and are also inherited by her own children.

The paternal house, wet and dry lands and kitchen garden of the husband are not divided among the co-wives. The husband also keeps few swidden plots, fruit bearing trees and livestock under his own management. All the co-wives work jointly with him to manage these assets and the produce to the common family fund.

Though Kutia men are owners of family properties it is the women who control the family purse behind the curtain. Their participation in all kinds of economic activities and their contribution to the family budget is quite substantial as compared to the males. Therefore they play a decisive role in economic affairs of their respective families.

In addition to holding the strings of family purse, Kutia women build up their own personal fund out of the produce of the land, trees, livestock, kitchen garden, forest collection, wage earning and the gifts and compliments they receive from their friends and relatives which are spent mostly for purchasing clothes, fancy objects, cosmetics, ornaments for themselves and their children from local markets and fairs and also for the care of their children. Sometimes, the male members of their family i.e. their fathers, brothers and husbands take loan from them at the time of need.

Kutia women can inherit certain kinds of immovable properties. Daughters and daughter-in-laws inherit the clothings, ornaments, utensils and other household assets from their mothers, grandmothers, and mothers-in-law. Of course such inheritance cannot be claimed as a matter of right but it is a tradition. When a Kutia girl marries, her parents give her some gifts such as gold and silver ornaments, clothings, utensils etc. which she takes with her to her husband's house and which remains under her exclusive possession wherever she stays. She has every right to give her articles to her sons, daughters, grand daughters, daughters-in-law, sisters, brothers, husband or any one whom she likes. After her death her possessions are shared among her nearest kins.

Kutia women are economically self-dependent. They are not dependent on the male folk for their survival. Rather the opposite is true. They depend on their male kins only when they become old, invalid and sick.

Children are more attached to their mothers than the fathers. So mother's words are respected and obeyed by children. Although Kutia women suffer from certain social disabilities resulting from various taboos and restrictions and they are theoretically deprived of inheriting properties, in actual practice they possess, control and manage their family assets indirectly behind the curtain.

Property Transactions:

All the items of property carries some value based on their usefulness, demand and economic utility. As such these assets can be sold or gifted by transferring the ownership rights from one person to another or can be pledged as securities in return of some gains at the time of need. An asset is useless if it failed to ensure social and economic security to its owner when such need arises. In Kutia economic system, property transactions include sale, mortgage and lease which are discussed below;

Sale:

Sale means transfer of all ownership rights of an asset for a price paid in cash and or kind. The Kutia concept of sale in respect of various kinds of assets is different from ours. Transactions through cash are a recent phenomenon indicating their graduation from a barter economy to a monetised economy. In the past, they were bartering their commodities to meet their needs. Now they are making transactions in terms of money.

Kutia customs provide that movable assets are saleable and immovable assets are not saleable. Saleable movable assets are agricultural produce, forest produce, bamboo works, leaf plates, broomsticks, ornaments, implements, utensils, livestock, eggs, alcoholic drinks etc. In these days, some Kutia families have started using modern gadgets like torchlight, transistor radio, bicycle, wrist watch etc. These are resalable items. Among these articles gold ornaments are treated as most valuable because it fetches ready money immediately to meet urgent unforeseen expenses. When it comes to utensils, brass and bell metal utensils certainly are more valuable than other kinds of utensils. These items are either sold to the petty moneylenders belonging to neighbouring Pano community and other communities and the well to do Kutias of the neighbourhood or disposed off in the nearby towns, weekly hats and fairs at the time of need.

There is an interesting Kutia custom about sale or barter of livestock, which perpetrates economic exploitation of the vulnerable Kutias. Every Kutia village keeps *Goudia* (cattle grazer) to graze their cattle, goats and pigs. The *Goudia* comes from Pano community and is regarded as a servant of the village. The Pano have made this profession quite remunerative and hereditary. For his service, the *Goudia* regularly gets, food grains, surplus cooked food, forest produces, old clothes from door to door and gets a share of meat of the animals scarified in communal rituals. In addition to that he extracts commission

from the sale and purchase of livestock by the Kutia in which he acts as the middleman according to a long-standing tradition. The tradition provides that by virtue of his service to herd the livestock of the village, he has acquired a right to take part in all sale or barter transactions of the livestock and get a commission. No Kutia can sale his animals without the knowledge and intervention of the village *Goudia*. If a Kutia sells or purchases animals ignoring the participation of his village *Goudia*, the latter lodges complaint before the traditional village Panchayat to claim his due commission.

Kutia Kandha and Pano

The Kutia have long tradition of economic interdependence on their Pano servants since the remote past. Kutias proudly boast that being the sons of the soil, they are the landlords and masters of their territory while the Panos who cannot own lands in their area, serve them as menials and servants in order to earn their living. Because of this attitude of Kutia Kandhas, their unscrupulous Pano servants have managed to earn the right of living on Kutia masters like parasites and exploit the simple tribals in all kinds of socio-economic transactions.

In fact, Kutia's dependence on the 'Panos' results from some of their handicaps. In the first place, most of the Kutia are unable to communicate with outsiders such as traders, visitors, Government officials etc. because they cannot speak or understand any other language except their own. So they have to rely on the clever and cunning 'Panos' to act as their spokesman, liason man and interpreter in all their business transactions with outsiders and external agencies, because the Panos have acquired skills to communicate with Kutia and outsider. In the second place, the simple and honest Kutias lack necessary business acumen and are not good at bargaining for profit. Hence the Pano conduct the transactions on behalf of the Kutia. Moreover, the Kutias are not well acquainted with weights and measures and money transactions where the clever Panos intervene as middlemen to grab a lion share of the transactions. For that reason develops the longstanding tradition of socio-economic interdependence between the simple Kutias and parasitic Panos conferring on the latter the right to exploit the former in every possible way. Because of this, the Pano accompany the Kutia to weekly hats, markets, towns, Government offices and courts and mediate in all their business with the external agencies.

'O' Malley (1908) has given the following account of the Pano of Kondhmal in the Angul District Gazetteer. "In the Khondmals, the Pans were the serfs of the Khonds. They worked on their farms and wove cloth for them, in return for which they obtained a small area of land, grain for food, and all their marriage expenses; they used also to procure victims for the *Meriah* sacrifices. Their serfdom was so well recognized that if a Pan left his master and worked for another, it caused serious

dimensions among the Khond community. To this day there is a settlement of Pans- a kind of Ghetto-attached to every large Khond village, where they weave the cloth the Khonds require and work as farm- labourers".

Thurston (1908) quoting Madras Census Report (1901) wrote that the Panos are "an extensive caste of hill weavers found chiefly in the Ganjam agency. The Khond synonym for this word is *Dombā loko*,... They speak Khond and Oriya...their occupations are trading, weaving and theft. They live on the ignorance and superstition of the Khonds as brokers, pedlars, sycophants and cheats. In those parts where there are no Oriyas, they possess much influence, and are always consulted by the Khonds in questions of boundary disputes". He further mentions that,... "The Panos are drunken, immoral and dirty in their habits. The Khonds refuse to eat with them... Panos are also the professional musicians of the country, and attend weddings, deaths and sacrifices in this character, for which they are recompensed with food, liquor and clothes... Intermarriage between Khonds, Panos and Uriyas is not recognized,..."

Bailey (1960) wrote, "Pans are untouchables. ...The Konds deny that the status of a Pan in the village is equal to their own: Pans have no ancestral right in the land, and inasmuch as they make their living in the village, their right to do so is the right of a dependent and a condition of their sub-ordinate status... The Pan takes cooked food and water from a Kond: but a Kond cannot take these things from a Pan without being polluted. A Pan may not enter a Kond house, because his presence would pollute it and render necessary a ritual cleansing. Equally a Kond will not go into a Pan house, though in this case it is not the house which is polluted but the intruder. Touch defiles. The Kond addresses a Pan as 'son' or 'child' while the latter must reciprocate with 'father'. A Pan squats to converse with a Kond, if the latter is standing or the Kond sits on a verandah, while the Pan must squat in the street. The Pans live in their own ghettos. Their houses are smaller and meaner than most of the houses of the clean castes. The Pans may not use the village wells or bathing place, because they would bring pollution. Every aspect of their lives reveals the Pans in a position of ritual and social inferiority".

The famous ethnographer Barbara M. Boal (1982) wrote, "Panos have occupied a peculiar position in relation to the tribal people of Orissa since the days of prehistory. Whenever aboriginal tribes dwell in the Orissa highlands and elsewhere in middle India, there a little group of Panos are to be found at one and of most villages. Thus in the Kond hills they have adopted the beliefs of the Konds... the majority have also adopted Kui language, though with some facility also in trading Oriya. The Konds for their part being self-limited to the only honourable occupations of agriculture, hunting, and war- have always found them

(Panos) quite indispensable for the proper carrying out of Kond ritual and in the provision of certain necessities of life. They also deal as tradesmen and at the time of death in the village they fulfill specific functions which are taboo to the Kond."

A.V. Thakkar committee in its report to Government of Orissa (1940) on the Partially Excluded Areas of the State stated (para - 288), "...Panos are not an aboriginal race. They properly fall under the depressed classes. They are Oriyas though they have lived for generations in the hills. They accompany hill-men to courts and help them in deciding their boundary disputes and have considerable influence over the home-loving Khonds. They trade upon the ignorance and credulity of hillmen. ... They are a very intelligent and petty trading class and being in close contact with Khonds and Savaras are the greatest exploiters of them."

According to a study conducted by SCSTRTI, the Pano of the district (Kandhamal) are immigrants of the plains who have migrated, in fact, brought by the Kondh to their country long ago to serve them as scavengers, weavers, musicians, messengers, companions, middlemen, procurers of victims for *meriah* sacrifice, bulk of the labour force for agriculture. In turn, the Kondh provided them homestead land, wage for their labour, gifts in different socio-religious functions. The relationship between the Kondh and the Pano was just that of the Master and the Subject. The Pano of Kondhmal region who serve the Kondh and live in Kondh villages are popularly known as Kondh Pan or Mallah Pan and in course of time they have become an endogamous group. The mother tongue of the Pano is Oriya, but they are conversant with the Kui language of the Kondh. Traditionally they were supplying loom-made cloths to the Kondh. Besides, they served the Kondh as scavengers, musicians, companions, moneylenders, middlemen and provided them the bulk of the labour force required for cultivation of agricultural land. At present, they mainly depend upon wage earning, marginal agriculture/share cropping and petty business. In the social hierarchy they occupy a lower position than the Kondh. Traditionally, they were treated as untouchables and a polluting caste by the Kondhs and other clean caste groups living in the region. But at present the Pano suffer from the stigma of untouchability to a lesser degree than their brethren living a long side the caste Hindus in the plains. Nevertheless, the Kondh consider the Pano as a polluting and inferior caste and maintain a fair degree of social distance from them.

In the 'Kitia territory, 'Panos' are landless and do not practise agriculture for their livelihood. They prefer to stay with Kutias because they know pretty well that they can live very easily by merely veering around the Kutia society. They thrive on the toil of the Kutia through

their shrewd manipulative activities. In fact, they manipulate to take away a lion's share of the hard earned economic gains of Kutias. Sometimes they indulge in theft, rape and forcible extraction. They also resort to illicit liquor vending and money lending to keep Kutias indebted to them so that they can extract a lion's share from t Kutia's produces regularly. As a matter of custom, none but the Pano supply animals to Kutias for ritual sacrifice and therefore some of them have taken up the profession of trading in domestic animals.

The Panos establish ritual friendship with the Kutias and earn their confidence with the malafide intention of cheating them tactfully. This pretext provides them a suitable berth to carry out their nefarious activities. Excessive addiction to liquor, expensive rituals, high rate of bride-price, ignorance and lack of institutional credit facilities have compelled the Kutias to become dependent on "Panos" for loans and other necessities when they are in distress and thereby they fall an easy pray to the Panos. This kind of economic interdependence between both the communities is so endemic and deep rooted that it is very difficult to break the system with the present welfare administration.

When it comes to sale of immovable properties like land, house and trees, the concept is alien to the Kutia. Their customary principles oppose sale of immovable properties. The Kutias as landlords of their territory are quite emotionally attached to their farmland, trees and dwelling house. The Swiddens belong to the village community. Therefore a person allotted lease of the Swidden plots for his maintenance is not the owner of the plot and has no right to sell the plot to another person. As private properties, the wetlands, dry lands, kitchen gardens, fruit bearing trees, salap trees and houses are saleble items. But these are either self-acquired or inherited as ancestral property. Kutias believe that if one sells these assets the ancestors get angry, and life then becomes an endless tragedy. Hence, there was no buying and selling of land and house in Kutia economic system in the past.

When Kutias need money, materials for organizing rituals, domestic consumption, payment of bride price, repayment of old debts, purchase of animals and implements for agricultural works, treatment of diseases and the like, they don't sell but mortgage their fixed assets such as land and trees to get a loan. But the ownership right of the mortgaged asset remains with the owner or his legal heirs with passage of generations while the financier and his legal heirs possess and utilise the assets until the loan are fully repaid. The simple Kutia goes on repaying the loan from generation to generation. When at last he becomes desperate to find that his ancestral properties have been recorded in the name of his financier and the latter refuses to return his land, he resorts to violence and blood shed to restore his ownership rights. He firmly believes that ownership rights of land and house are not transferable.

There appears some change in Kutia's attitude due to the influence of modern political and legal system. Still sale and purchase of fixed assets are rarely done by executing an agreement or registered sale deed in the court.

Dwelling houses can never be sold but can be rented if necessary. Trees are sold by verbal agreement in presence of important persons as witnesses. Making an agreement by pen and paper is a recent phenomenon. A minor, a woman, and an insane person cannot sell or otherwise enter into an agreement with any one to transfer property rights in respect of fixed assets. Of course a woman can sell her self-acquired or inherited personal assets. But disposal of personal assets is always a tragic affair for the Kutias.

Debt and Mortgage

Mortgage or pledging assets as securities against loans or other liabilities is a commonplace affair in Kutia society. By way of mortgage, the interest of a specific asset movable or immovable is transferred as a security from the owner to another person against payment of loan liabilities. Kutias mortgage cultivable land, trees, standing crops, gold ornaments, metal utensils etc. to meet their needs. The mortgagee holds the possession of the asset till the mortgager repays the loan amount. But legally the mortgager continues to be the owner of the asset.

'Mortgage is called *'banda'* and 'debt' is called *'rina'* by the Kutias. In all kinds of mortgage and debt transactions a verbal agreement was being made between the financier and the loanee in presence of at least one witness from both the sides. Important persons like traditional village officials and influential elders are usually chosen as witnesses. As per the Kutia tradition, a woman and a minor cannot become a witness in such economic transactions. These days the Kutias are adopting the execution of written agreements in plain paper in presence of witnesses from both the sides. It was learnt during our fieldwork that there are two petition writers belonging to Pano community in Belghar who are writing such agreements. They charge between two to five rupees for writing one document depending upon the amount of transaction. The financier makes such arrangements and bears the cost.

Generally some well-to-do members of Pano community and some affluent Kutias carry on the money lending business. When a needy Kutia requires a loan, without mortgaging any asset the Pano moneylender, charges an exorbitant rate of interest i.e @50 percent per annum. Kutias also incur consumption loans in Kinds of food crops such as paddy and millets. The period of repayment should not exceed three years. Interest is charged at the flat rate of fifty percent up to a period of three years. Beyond three years the rate of interest becomes cent percent. For example a Kutia receiving one *mana* of millet on loan shall have to return one and half *manas* of millet by the end of three years and two *manas* of millet if the time exceeds three years.

When loans are taken by mortgaging gold ornaments and metallic utensils, simple interest is charged at the rate of fifteen to twenty percent per annum. The mortgagee cannot sale the assets to get back his money if the loanee defaults in repayment. He is bound to return the articles to the mortgager when his dues are cleared.

As regards the fixed assets, the wet and dry lands, fruit bearing trees, *salap* trees are mortgaged to get loans at the time of need. There are two kinds of systems for mortgaging farmlands. One system called *Kuda udan* or *Pachi udan* provides for recovery of the entire loan amount with interest from the produces of the land over a specific period of time. In this system the mortgager and mortgagee make an assessment of likely annual return from the land in question, calculate the number of years it will take to recover the loan dues out of the produces of the land and then reach an agreement. After expiry of the repayment period the mortgagee returns the land to the mortgager.

Case Study :

K.Jani son of Late D.Jani of Kusumunda has mortgaged two plots of wet land, two plots of dry lands (padar) and one plot of kitchen garden to a Pano named B.Peta Naik of Girisaska village to get a loan of Rs.650/-. As per the mutual verbal agreement made between both of them B.would cultivate the land for eight years recovering his dues at the rate of at least hundred rupees per year from the produces of these lands.

Sometimes, the mortgage bears financial loss in this system when he does not get desired return from the land. Then he asks the mortgager for reassessment of the transaction and extension of repayment period.

Case Study - XX

G. Jani son of late K. Jani of Burlubaru village mortgaged six plots of his paddy lands measuring 1.5 Acres (approx) to K. Naik, a Pano person of Belghar and received a loan of twelve hundred rupees. Both of them have signed an agreement in plain paper in presence of witnesses. As per the agreement, K. Naik would cultivate and get the produces of the paddy lands for seven years to recover his dues. After last two years of cultivating the lands for. K. Naik complained that the produces were not enough to cover the annual instalment of loan repayment. So, the period of mortgage should be extended up to twelve years instead of seven years. G. Jani refused to accept this plea. K. Jani did not return the lands to G. Jani after seven years and there occurred a dispute. Elders and leaders of both the sides decided the matter by extending the seven year term by one more year.

A mortgage agreement made between two persons is inherited by their successors in case both or any one of them dies before restoration of *status quo*.

Case Study - XXI

Late P. Jani of Burlubaru had mortgaged three plots of paddy lands and one plot of dry land to J. Naik, a Pano inhabitant of Kodabanga village to get a loan of Rs.410/- on mutual verbal agreement. The money was badly needed by P. Jani to meet the expenses for payment of bride price for his eldest son and for the treatment of his own illness. It was agreed between both of them that J. Naik would cultivate the lands for five years and then return these to P. Jani. After expiry of one year, P. Jani died of his illness leaving his two sons, I, Jani (newly married) and G. Jani (unmarried). When the agreement for a period of five-years, was over the eldest son resumed possession of his father's lands from J. Naik.

In most cases it is found that the Pano or Domb neighbour of the Kutia Kandha carry on money lending and keep the lands of Kutias on mortgage. Since Kutia customs say that the Kutias are the landlords of their territory and the non-Kutias are not entitled to hold any landed property there, the Domb and Panos resort to keeping the Kutia's lands on mortgage basis to earn an easy livelihood and in course of time manipulate records to acquire ownership rights. However, sometimes the wall-to-do Kutias also lend money to their needy brethren and keep mortgages.

Case Study - XXII

D. Jani son of late K. Jani of Kusamunda has taken a loan of Rs.1200/- from B. Majhi of Manglamunai who happens to be the son in law of D's own brother. D. has therefore mortgaged four of his paddy lands measuring 1.5 Acres (approx) to B. for a period of eight years on mutual verbal agreement and got back his property after expiry of the term.

Another system of mortgage is called *ba banda*. The financier always prefers this system as it is profitable to him. In this system the produce of the mortgaged property is enjoyed by the mortgagee towards adjusting the annual interest of the loan amount, and the capital amount is liable to be repaid by the loanee after which the land is restored to him. Therefore, the mortgagee holds possession of the land until the principal is fully repaid by the loanee. Majority of mortgage transactions are made under this *ba banda* system. But both the systems are interchangeable. A mortgage made under *kuda udan* system (if it is not profitable to either of the parties or if the mortgager wants his lands back from the mortgage anytime before completion of the stipulated recovery period) can be converted into 'ba-banda' system. In that case both the parties shall reach an agreement as to how much of balance amount of loan the loanee shall repay to the financier after deducting the amount for the period already expired under *kuda udan* system.

Case Study - XXIII

G. Jani of Kusamunda has mortgaged his paddy land (1 Ac.) to D. Naik of Belghar to avail a loan of Rs.700/- which he needed for buying gold ornaments

for her daughter at the time of her marriage. A verbal agreement was made between both of them stipulating seven years pay back period under *kuda udan* system. After five years D. Naik complained that the yield from the land is not enough to cover his annual dues and the agreement should be changed to be *banda* then in presence of the local ward member and other witnesses it was decided that as Rs.500/- has already been repaid within five years and for the balance of Rs.200/- G. Jani shall repay the amount under *ba banda* system and D shall possess the land till this amount is cleared.

There are many cases of greedy Pano moneylenders manipulating the records of the Kutia lands under their possession by mortgage in their favour leading to disputes and litigations. The simple Kutia does not understand as to how someone would be the owner of his own land or his ancestral land when sun, moon, stars, sky, streams hills and all other natural objects have not changed but lie in their respective places. He fails to reconcile the injustice done to him and always tries to resume occupation of his beloved land from the Panos and the result is a bloody dispute.

Case Study - XXIV

Late M. Majhi of Bulubaru mortgaged one plot of paddy land to S. Naik (a Pano money lender) of Belghar years ago under *ba-banda* arrangement. Later, after the death of M. Majhi, S. Naik manipulated to record of the land in his name at the time of survey and settlement operation. When the eldest son of M. Majhi claimed his father's land from S. Naik, the latter went to court twice and won the case on the basis of his ownership documents. The simple and innocent Kutia was deprived of his land by fraud. People of the area say that S. Naik has acquired many Kutia lands in this way.

As regards mortgaging fruit bearing trees, similar practices – *ba banda* or *kuda udan* or *phal udan* – are followed. But except procuring the produces, the mortgagee has no right to cut down the tree or its branches. In case the loaner fells the trees, he is liable to pay penalty to the loanee covering the value of the tree. The value is assessed by the traditional Panchayat if both the parties belong to the same village.

If there is a fruit bearing tree in a mortgaged plot, the loaner has no right to enjoy the produces of the tree unless, it is included in the mortgage agreement. The mortgager may share its produces with the mortgagee if he wants. Mango, jackfruit, tamarind, mohul and salap trees are treated as valuable assets for their economic utility. But a fruit-bearing tree in the forest is a public property and any one belonging to the village can collect its produce for his food.

The Kutia custom provides that, like the assets, the liabilities including the debts can be inherited from a person to his successors. Even if a Kutia father does not leave any property for his sons or heirs, the latter are liable to repay the debts incurred by the former after his death. Because of the system

of patrilineal inheritance, daughters are not responsible for repaying father's debts unless there are no sons and one of the daughters manages her dead father's properties. A widow may be asked to repay the debts of her dead husband or dead son as long as she manages her dead husband's estates.

The debt liabilities generally continue up to three generations. The Kutias say that it is the moral obligation of a son to repay the debt of his father or forefathers, failing which he has to face public criticism. The ancestral spirits also become angry as they cannot rest in peace in their supernatural abode. Their displeasure means misfortune. So the Kutias do their best to clear the past loans and get back their mortgaged property. They remain unhappy until they accomplish the task.

Lease/ Share Cropping:

Share cropping system is very much in vogue in Kutia society. It is called *paga mati nadu*. All kinds of privately owned cultivable lands can be leased for sharecropping. This means temporary transfer of cultivating rights for a specific period of time from the owner to another person on verbal agreement. Usually the term of lease lasts for one year and can be renewed annually. Kitchen gardens and swidden plots are excluded from such arrangement.

In this arrangement the owner pays the rents and taxes for the land while the sharecropper cultivates the land. The produces are equally shared between both the parties, after the harvest. Prior to that, the seeds are separated and the party who supplied the seeds at the beginning of the agricultural cycle gets at the time of harvest a double share of the quantity he supplied. The cost of major repair and development of the land is borne by the owner while the sharecropper looks after minor repairs. If the latter has to carry out any major repair works, he realizes the cost from the owner.

The sharecropper has no right to sublease the plot to a third party or to cause any damage to the property. Landless and marginal farmers among the Kutias resort to this practice. Sometimes such arrangements are also made among brothers.

Case Study - XXV

Late P. Jani of Burlubaru died leaving two sons I. and G. The properties of P. Jani was partitioned between I and G. G. is a lazy boy. He could not cultivate his share of the property. So, I cultivated G's properties as a sharecropper. Now G. is managing his livelihood with the share of produce given to him by his eldest brother, I.

SOCIAL CONTROL AND ADMINISTRATION OF LAW AND JUSTICE

The Kutia Kandha have no written laws but have evolved their customary code of conduct in course of time. They have no political bodies, no law making and enforcing agencies like ours. But they have developed their own indigenous systems for social control and administration of law and order. Their politico-jural system is not a matter of law, as we see it, but of tribal customs and practices comprising the obligations imposed on the individual to ensure social conformity.

The significance of socio-political aspects comes from the fact that a substantial part of the law functions through the political system and its institutions. It is therefore difficult to separate law from political organization completely. Like any other society the Kutias have their socio-political system. This indigenous system is carried on the shoulders of an indigenous leadership which (i) command respect and allegiance of the tribesmen, (ii) maintain peace and harmony within the group (iii) organize and direct community enterprises and (iv) conduct group activities.

The social control and leadership starts from the smallest level that is family. In their patriarchal society, the patriarch-father, or senior most male member of the family administers the family in accordance with established norms and customs. Lineally related families constitute a local descent group i.e a lineage. The senior most male member of the lineage in association with the family heads looks after internal affairs of the lineage. Then comes the powerful village level and regional level organizations with its own set of traditional and modern leadership.

Since the past other tribal and nontribal communities including Gonds and Panos and some artisan and service castes had started penetrating into the Kutia Kandha area for trade and commerce. The trading caste-groups conducted trade and barter including money-lending in the area. They procured the agricultural and forest products from the Kutia Kandha and in return they supplied the latter with tobacco, clothes, ornaments and grocery. The artisans supplied their respective products, such as agricultural and hunting implements, earthen pots, handloom cloths, ornaments and household articles etc to the Kutias and in return collected the agricultural and forest products

from them through barter. The Scheduled Castes like the Panos took up the occupation of basket-making and sweeping the village. The clean castes and Gonds established themselves in the central areas of Belghar. But the Panos lived in separate wards in some Kutia Kandha villages. Initially the Kutia Kandha did not oppose the immigration of these outsiders as the latter rendered some services to them. Gradually the Panos who remained very close to the Kutia Kandha quickly picked up their Kui language and became the mediator between Kutia Kandha and the non-tribals. In the process, the Gonds and the non-tribals also became well conversant with the Kui language.

Having no knowledge of the Kui language, the Raja of Sanakhemundi who was the feudal chief of the area, faced practical difficulties to exercise control over the Kutia Kandha. So the ruler thought it convenient to appoint some people as the local chiefs who had the knowledge of both Kui and Oriya languages. The King found it suitable to appoint local officials from among the members of Gond and Paika caste. The Kutia Kandha did not resent to this move since they were unable to represent themselves before the King in Oriya. Thus the King of Sanakhemundi divided the entire Kutia Kandha highland of Belghar into three administrative units called *Mutha*. Those *Muthas* were (i) Belghar *Mutha*, (2) Gumma *Mutha* and (3) Jhirpani *Mutha*. The *Mutha* heads belonged to the Gond community. They were assisted by a group of officials, such as *Karjee*, *Bebhari*, *Dalei* or *Dandia*. The *Karjee* was the judicial minister, the *Bebhari* was the revenue accountant and the *Dalei* or *Dandia* were heading the militia of the *mutha* administration. The *Dalei / Dandia* were taken from the *Paika* community.

The Britishers during their regime did not abolish the *Mutha* administration rather reoriented the *Mutha* organisation by further dividing the *Mutha* into several sub-*Muthas* to establish more effective control over the Kutia Kandha. Each sub-*Mutha* was kept under the direct supervision of a chief designated as *Mutha Majhi* or *Mandal Majhi* who belonged to the Kutia Kandha.

The *Mutha* was a territorial unit based on organisation of the component villages contiguous to each other. At the village level there were traditional village officials who formed the village council. The village secular headman called *Majhi* was appointed from among the Kutia Kandha to look after the administration of the village. In the traditional hierarchy next to *Majhi* was *Jani*, the sacerdotal head of the village. The traditional sorcerer of the village known as *Kutaka* was also an active member of the village council. *Gonda* or *Pesuni*, selected from the Pano community, assisted the *Majhi*. All these official posts of village organisation were hereditary. This set up remained quite effective till the time of independence.

Though at present, the powers and functions of the traditional village council are declining with the introduction of local self Government i.e.,

Panchayatraj, and present system of revenue administration, still the village level traditional political organisation exists and plays a vital role in customary intra-village matters. But the offices of Mutha and sub-Mutha heads, Karjee, Dalei and Bebhari are defunct now-a-days.

Village Organization:

The most striking feature of the Kutia Kandha is its village community. It is traditionally a well organized and integrated society based on self regulation and self Government. A traditional Kutia village is an independent, autonomous and self-sufficient socio-political unit with remarkable cohesion and continuity. The village organization possesses a piece of territory, a set of responsible leaders and a traditional panchayat composed of family heads. The organization is founded upon true democratic principles and the traditional village leadership is based on status with some obligations and duties.

In the Kutia village there is a secular chief, a sacerdotal chief, a messenger, a watchman, a medicine man-cum-astrologer, male and female shamans to shoulder different responsibilities. By virtue of their knowledge, experience and expertise in their respective fields, they command allegiance and confidence of their fellowmen.

Jani:

The sacerdotal head of the village is the village priest called 'Jani'. He is respected, as the head of the village and his opinion are honoured by other leaders and villagers. He acts as a mediator between the human beings and the supernaturals. He worships the deities and conducts all communal ritual like *Kedu Puja*, *Anka Puja*, *Chaitra Jatra*, *Taku Puja*, etc. He supplicates the deities to obtain their blessings and benevolence for the welfare of the village community. He observes fasting and abstinence before conducting a ritual. He also plays an important role in the name-giving ceremony, death rituals and marriage ceremony of the Kutia Kandha.

Jani also exercises some secular powers. As the titular head of the village, he also heads the traditional village panchayat. All-important matters are brought to his notice for his opinion and intervention. As the custodian of social norms and sanctions, he may convene a meeting of the panchayat to settle the issue or he may decide it all by himself. It is his duty to see that justice is done to the aggrieved party and the offender is punished.

He is the formal spokesman of his villagers before the visiting officials, dignitaries and outsiders. He participates in all-important communal affairs such as rituals, festivals, ceremonies, meetings etc. he is invited to the betrothal, negotiation of bride price, wedding ceremonies, divorce and death rituals takings place in his village. He fixes the date for observance of various communal rituals. For his services he is highly respected by his fellow villagers.

The post of Jani is hereditary but not remunerative. Of course, at least once or twice in a year the villagers render free service to him for swidden cultivation, house thatching etc. he is given major share of the meat of the animals sacrificed in the village rituals.

When the Jani dies or becomes disabled, the eldest son of Jani is selected by the village council to become the new Jani of the village. If the Jani has no son then an efficient person from the former's clan is selected by the village council to become the new Jani.

Majhi:

Majhi is the secular chief of the village. In order of ranking, his position is next to that of *Jani*. He was recognized as an agent of former Mutha administration in the village and was very powerful during feudal and British rule. In these days, some amount of authority had been vested in him to maintain law and order in the village. He looked after the immediate law and order problems of his village and brought disputes and other cases beyond his jurisdiction, to the notice of the Mutha-head for settlement. He assisted Mutha officials in collecting revenues, tributes, *mamuls*, and in arranging persons for *bethi* (free service to the rulers and officials) works from his village. As the village level functionary of the Mutha system, he carried out the instructions from the administration.

Majhi also assists Jani in organizing and conducting village affairs. He hears and settles disputes in consultation with the Jani. He presides over the meetings of village panchayat in absence of Jani. He is also the custodian of the common fund of his village. He collects fines from the offenders while deciding the disputes. He still yields a position of authority and respect in the village.

The chief function of Majhi is to settle quarrel between persons, disputes relating to marriage, land, theft, breach of social norms etc. Whenever such kind of disputes occur in the village, the Majhi is first informed. Then he summons a meeting of the village council through *Ganda*, the village messenger. The Majhi is the real spokesman in the village council meeting.

Besides exercising customary judicial powers, the Majhi also plays an important role in all socio-religious functions of his village. The Majhi in consultation with "*Jani*" fixes the date and time for the performance of the religious festivals in the village. In some religious festivals, Majhi slaughters the animal and Jani makes the offerings to the deity. All types of marriages are performed through the leadership of Majhi. In the name-giving ceremony of the Kutia child the Majhi also plays an important role. He is the formal spokesman of the village.

His post is hereditary but does not carry any remuneration. The villagers work freely for him once or twice in a year.

The Majhi continues in his post till he bears a good moral character and enjoys the confidence of his fellow villagers. After the death or impeachment of a Majhi, his eldest son or a suitable person from his clan is selected by the village elders to succeed him.

Case Study - XXVI

The Majhi of Deogada village died years ago. On the last day of his funerary rites, the 'Patro' an ex-Mutha official of Belghar was invited to attend the function. The incarnation ceremony for installing a new Majhi was also held on that day. The eldest son of the deceased Majhi succeeded to the vacant office. The Mutha official recognized him by tying a saree on his head.

Ganda / Pesuni / Chhatia :

Ganda is the village messenger belonging to the *Pano* or *Dom* a Scheduled Caste group. Though he is taken as a servant of the village, he holds a key position in the village leadership structure by virtue of his cleverness and services. He carries messages inside and outside the village, summons people to the meetings and communal gatherings, and collects contributions from the households for communal rituals and other communal enterprises, attends to the visitors and accompanies the villagers to the markets, towns, courts and Government offices. He intimates the news of birth and death inside the village and goes to other villages to inform the friends and relatives. He acts as the main negotiator in the arranged marriages.

Customarily, the Ganda supplies all the sacrificed animals to the villagers. He remains present in all village meetings and rituals, and assists the *Jani* and *Majhi*. He is also an important man in the village council. All the disputes and breach of social norms are brought to the notice of the Gonda. He acts a messenger of the village and particularly for the Majhi of the village. He conveys message in the village and summons people to the village council meeting on behalf of Majhi. He realizes the fine from the accused, imposed by the village council.

Because of his competency to communicate both in Kui and Oriya languages, he acts as the liaison man between Kutias and outsiders in all sorts of transactions and gets a commission. He supplies animals for sacrifice during rituals. He arranges petty loans for the villagers. He fixes up rates for each commodity to be sold in the market by the Kutias. He is Kutia's spokesman to the outside world.

He regards the Kutias as his masters. He serves them in capturing bride, negotiating bride price, finalizing matrimony, selling their produces and animals and settling disputes. He intimates the police about serious crimes in the village in consultation with the *Jani* and *Majhi*. He plays musical instruments during rituals, ceremonies and other kinds of social functions in the village. Thus he is very indispensable to the Kutias.

The post of Ganda is hereditary. For his essential services, he collects food grains, fruits, cooked food and liquor from the villagers. For helping in business transactions, he gets a commission. He gets the skin and a free share of the meat of sacrificial animals in communal rituals.

Disari:

The *Disari* is the astrologer cum medicine man in a Kutia village. He practices occult and folk medicine. He diagnoses the cause of sickness, and prescribes remedy. He conducts magical rituals and gives herbal medicines to cure various ailments. He also fixes auspicious dates for marriage ceremony and name-giving ceremony, reading good and bad omens. He gets his fees in cash and in kinds of food grains from Kutia households for his services.

Kutaka (The Sorcerer) :

The Kutia Kandha believe that anything harmful to man's health and fortune is due to the activities of certain evil spirits. So to ward off such dangers they firmly believe in the efficacy of magico-religious rites. The magico-religious rites are generally performed by the sorceres. The sorcerer in Kutia Kandha society is called *Kutaka*. When a Kutia Kandha suffers from any sort of illness, he first consults with *Kutaka*. The *Kutaka*, first of all finds out the cause and the spirit responsible for the disease or any other kind of trouble. Then he starts treatment by means of some magical rites followed by sacrifice of a bird (chicken/ pigeon/ duck) or an animal (goat/ pig/ sheep/ buffalo) as per the gravity of the disease and the desire of the concerned spirit. The *Kutaka* also plays an important role in the name-giving ceremony of the Kutia Kandha children. He acts as an important member in the traditional village council.

Beju & Bejuni:

Beju and *Bejuni*, the male and female shamans i.e., magic-religious practitioners are among the most distinguished and respected magico-religious functionaries in their society. They perform divination through trance and recitation of verses so as to detect the supernatural beings responsible for maladies, diseases and deaths. They ward off the evil spirits responsible for human suffering. There may be many *Beju* or *Bejunis* in a village. The senior most among them is called *Pat-Beju* or *Pat-Bejuni* and acts as their leader.

They have their own adopted spirits to whom they regularly worship to get their favour and help in occult practices. They can communicate with spirits and deities who are believed to be responsible for causing human problems. In order to make communication with spirits, they get into trance through divination, prayer, offerings, oblation and certain rituals. In the state of trance they tell people about their problems and solutions by communicating with the concerned spirits. They prescribe the remedy through the rice supplication process called *puchana*, which is an important part of the shamanic

ritual. They advise and sometimes forcibly demand performance of rituals and animal sacrifices to appease supernatural powers.

The Bejus and Bejunis perform large variety of shamanic rites at the individuals' family level and at the community level. While the Bejus combine the works of shaman and medicineman, Bejunis restrict their field of activities to shamanism only, though there is no difference in their shamanic practices. But interestingly people consider Bejunis to be more effective in this art than their male counterparts and therefore Bejunis outnumber the Beju in Kutia Kondh villages. It may be for the reason that the Beju divide their time between practice of medicine and practice of Shamanism whereas the Bejunis are totally dedicated to shamanic practices.

The Bejus and Bejunis undertake various kinds of shamanic jobs to serve the individuals families and the village community. Their services are more demanded to deal with a multitude of problems at the individual level than at community level. Nevertheless their special role and responsibilities to interact between the concerned supernatural agencies and the village community and obtain the former's favour in the interest of the latter during various seasonal festivals and rituals can not be dispensed with in anyway.

Goudia:

Goudia is the servant of Kutia village, who herds the cattle of the village and also acts as the sweeper and scavenger. He belongs to 'Pano' community. He collects food and old clothes from every Kutia family as his remuneration. He works as a mediator between the Kutia and outsiders in all transactions covering sale and purchase of food, cloth, forest produces and livestock's. Especially, his intervention in sale and purchase of livestock is customary and no Kutia of the village can ignore him in this respect. He gets a commission from such transactions.

Traditional Village Panchayat:

In every Kutia village there is a traditional village Panchayat constituted by the various office-bearers and household heads of the village. *Jani*, the village headman is the ex-officio Chairman of the Panchayat who can convene the meetings as and when required. *Ganda*, the messenger intimates the members about the date of the meetings. The meetings always take place in the centre of the village i.e before the seat of *Dharni Penu*. The *Ganda* initiates the topic for discussion. The discussions are generally open with arguments and counter – arguments. While deciding disputes or crimes, the witnesses are examined and the accused are allowed to defend them. Although women cannot participate in the deliberations as members, they can be heard as witnesses. In the deliberations the youngsters respect the opinion of *Jani*, *Majhi*, *Disari*, *Ganda*, *Beju* and knowledgeable elders. Final decisions are reached unanimously, but not by majority vote.

The meeting of the village council is generally held in the evening hours. The meeting is generally attended by the Majhi, Jani, Kutaka, Beju, Ganda and some elderly persons of the village and the concerned parties in the conflict. The members of the council hear and adjudicate the fact and communicate their views to the Jani and Majhi. At last, the Jani on behalf of the council gives the final verdict. The council generally tries to settle the dispute by mutual compromise between aggrieved parties.

The council discusses matters of common interest. Generally cases of breach of customary laws such as adultery, incest, widow marriage, marriage by elopement, marriage by capture, non-payment or default in payment of bride-price, divorce, premarital love affairs leading to pregnancy, misbehavior to a neighbour, quarrels and violence under intoxication, marriage or love affairs with the persons of lower caste, inheritance and partition of property, violation of important taboos and the like are tried and settled in the meetings of the traditional village Panchayat.

The cases are decided according to established customs, procedure as well as the interpretation of customary principles. In most cases the punishment is meted out to the offender in terms of a fine, which is collected either on the spot or within a stipulated time allowed to him by the Panchayat. Generally, the fine is imposed in shape of liquor, some amount of rice and a goat or a sheep. A part of the fine is given to the aggrieved party as a compensation called *mahat* (honour) and the rest is spent to entertain the Panchayat members with liquor. If there is any balance left it is kept with the *Majhi* in the village common fund. When there is enough money in the village fund, it is spent for holding communal rituals with feast and liquor for all the villagers.

The cases that could not be decided in the village Panchayat are referred to the Mutha head. Alternatively, the aggrieved party or the accused, if not satisfied with the decision of village council can make appeal before the Mutha head.

The traditional Panchayat is the original, ancient and grass-root level organization that has survived the test of time. While the Mutha system has become obsolete after independence with the superimposition of statutory Panchayatiraj system, the traditional village Panchayat of the Kutia still remains effective in managing the customary tribal affairs.

Mutha Organization:

Mutha is the traditional territorial socio-political unit of the Kutia Kandha. Initially it came into existence as a territorial and exogamous kinship unit. It became an organization of a group of agnatic kins descended from a common ancestor living in one village and later on with the growth of population the members dispersed to establish several adjacent villages. Thus

Mutha was basically a clan organization formed by the members of a single clan or *gochi* living in a group of villages scattered over a contiguous territory under the command of the senior most man of the clan.

The significant characteristics of the *Mutha* were common kinship bond village, clan and territorial exogamy, common clan membership, common clan rituals, allegiance to lineage heads of the villages and the *Mutha* head, effective group control, preservation of group identity, exclusive ownership rights over the piece of territory occupied by the component villages and a system of extra-group relations. "Although the traditional political organization was an institution to unite together a number of individuals of the tribe, who had originally settled over a contiguous area called the 'Mutha' (meaning control over the area and hence ownership right), for common interests, but at a later stage some nontribals came to be associated with it having become members of the *Mutha*... the direct association of the non-tribals in the Kandha tribal political organization did not circumvent its smooth functioning because of historical reason" (Behura, 1970)

Prior to British occupation, the Kutia lived almost independently in the hills and forests paying nominal tributes to the feudal kings. The feudal lords never interfered with Kutia life style but administered the area through the indigenous *Mutha* system. Because of communication gap between the feudal lord and his Kutia subjects, they failed to understand each other's language. The rulers found it convenient to appoint the influential Oriya outsiders who had settled down in the Kutia area and gained their confidence as the intermediately official to carry out the administration. Thus the non-Kutia residents became *Mutha* heads and consequently the Chief of the Kutias.

"The Britishers entered into the area in 1836. They suppressed the Kandha rebellion and the barbarous practice of human (*meriah*) sacrifice. "The Britishers did not disturb the *Mutha* heads, instead they tried to establish more effective control over the Kandha through them. They allowed the old *Mutha* order to continue but reorganized it for better administrative efficiency. In recognition of the pre-existent *Mutha* head as the hereditary local chief of the *Mutha*, they (Britishers) vested with him the powers of administering justice in conformity with the Kandha tradition in lieu of an annual payment of *nazrana* or a lump gift and supply of *bethi* or free labour to the British Political Agent as and when required. As a corollary to this, *Mutha* head started, levying regular annual *mamul* or nominal gift in cash or kind from each Kandha family" (Behura 1970). For administrative convenience, the *Mutha* was divided into several sub-*Muthas* on the lines of traditional *Mutha* of the Kutias and the traditional *Mutha*-heads i.e the senior most male of the clan or *gochi* were recognized and appointed as the head of the sub-*Muthas*. At the village level 'Majhi' the secular chief, functioned as the representative of *Mutha* administration with the help of

his assistant 'Ganda', the messenger. All these offices were hereditary and attached with rent-free lands.

Mutha Head:

Mutha head is referred to as 'Patra' by the Kutia. He ran the general administration, executed civil agency works, collected land revenue, *mamuls* and *nazrana* in cash and kinds, maintained law and order, settled disputes and inflicted punishment in accordance with customary laws of the Kutia. When he held court to hear disputes between two parties, he levied a court fee called *mahat* (honour) from both the parties in cash or kinds depending upon the gravity of the case. For his position of authority, he enjoyed enormous power, influence and respect among the Kutias. In these days, when the Mutha administrative system has been abolished, the Kutias still respect the ex-Mutha head and call on him to decide their quarrels and disputes, as and when required.

As discussed earlier, the Kutia Kandha area of Belghar region was divided into three Muthas, namely Belghar Matha, Gumma Mutha and Jhirpani Mutha. For each Mutha the administrative head ie, the Mutha head. As the chief of the Mutha administration, the Mutha head was directly responsible to the King of Sanakhemundi. The post was hereditary in character. The Mutha head of Belghar Mutha was from Gond community. He was looking after the general administration of his Mutha. He was exercising his judicial power in deciding cases, like homicide, dispute relating to the marriage, divorce witch-craft, dispute over land and boundary between two villages etc. For deciding such cases inter-village meeting was being conducted at the Mutha headquarters by the participation of Majhi, Jani, Ganda and some elderly persons of the concerned villages and the Mutha Majhi. The Mutha head was presiding over the meeting. In the hearing of the cases all the participants had the equal voice. But finally the Mutha head, in consultation with the Karjee and the delegates was giving the final verdict. The offender was being fined in shape of rice, goat, sheep and cash for liquor. The realization of fine was vested on the *Dalei* – the military assistant of the Mutha head and also the Majhi and Ganda of the accused's village. The fine realized from the offender was being spent in a feast.

Besides his judicial powers, the Mutha head had revenue powers. He was collecting land revenue and *vetti* (customary free gifts) and arranging *bethi* (free service) for the king from the Mutha Majhi/Mandal Majhi of the sub-Muthas and the Majhi of each village within his jurisdiction through *Bevari* (accountant and cashier) and *Dalei*. He was the local chief to organize the visit and look into the comfort of the king and Government official visiting to his Mutha.

Mutha Majhi / Mandal Majhi – The Sub-Mutha Head:

The Mutha Majhi, otherwise known as Mandal Majhi was next in the hierarchy to the Mutha head in the Mutha administration who heads a sub-Mutha. In the beginning of the formation of the Mutha organisation an efficient person from the dominant clan was selected as Mutha Majhi in a meeting attended by the Majhis of each village within the territory of the Mutha. In course of time, the succession to the office became hereditary. Prior to the independence, the Mutha Majhi was having jurisdiction over 10 to 12 villages constituting a sub-Mutha. His chief duty was to assist the Mutha administration in matters of collection of *sishtu* (land tax), *bhetti* (gift) and provision of *bethi* (free labour) for the King of Sanakhemundi. He was also responsible for the comfort of the Government officials who were visiting the area within the Mutha Majhi's jurisdiction. Besides this he was to look after the law and order problem of his area. He was also a guardian of the traditional social norms. The cases which were not solved by the Majhis of concerned villages were being referred to him for settlement. But now a days the post and function of Mutha Majhi is totally defunct.

After independence, the office of the Mutha head is abolished. On the whole, in the present situation the Mutha head, Mandal Majhi, Dalei, Bevari have lost their powers and prestige but, still at the village level, the traditional officials, such as Majhi, Jani, Ganda have retained their positions to some extent as they continue to enjoy the confidence of their fellowmen.

With independence of India came radical social, economic and political changes, constitutional safeguards and protective legislation, and the welfare administration provided to the backward tribals in the post independent times have produced far-reaching changes in the culture and economy of the Kutias. Mutha administrative system had become defunct but, Mutha, as a territorial and kinship unit has still managed to retain some of its importance.

Neo-Political Set Up:

As the citizens of this country, the Kutias are now taking part in the elections to elect their representatives to the Parliament, State Assembly and Grampanchayat. They have understood that the Panchayatraj system has come to stay over their traditional socio-political system. This new system has assumed some of the functions of Mutha organization with more emphasis on development activities. It has cut across the Mutha territories disintegrating the territorial unit. This new alignment of villages has weakened the traditional socio-political unity of the villages. The new revenue administration has taken care of land records and revenue collection and has granted ownership rights to the Kutias abolishing the system of intermediaries. The general administration with its police and law courts has stepped into deal with their law and order problems. But the Kutias are yet to acquaint themselves with the new system. Though they are sometimes forced under circumstances to go to the police and courts, they are baffled and disappointed with the jargon of

lengthy and expensive procedures. Therefore they rather prefer redressal of their grievances through their informal traditional system in which they used to get prompt justice through simplest and less expensive procedures in accordance with their customary law.

Modern Leadership:

Under the statutory Gram Panchayat system, ward members have been elected from each Kutia village for a specific term to represent the village at the Panchayat level and block level. The Kutias consider him as a Government representative to report important problems of the village and ensure implementation of welfare programmes in his village. Therefore the Kutias choose for this job one well-to-do, vocal and resourceful person of their village rather by consensus following their traditional way of decision making. Being the agents of change and development, the importance of ward members are now being felt in the villages. They have started playing a decisive role in the process of decision-making in the Kutia village.

In most of the Kutia Kandha villages in Belghar area the traditional secular headman ie, the Majhi is elected as ward member. One or two days before the election, the name of the village Majhi is declared for the post after an unanimous decision taken in the traditional village council meeting. Thereafter, the Majhi submits his nomination for the post of ward member and gets elected as ward member uncontested. But in case the villagers are not satisfied with his activities or he is quite old to shoulder the responsibility of the post then another suitable person is chosen in the village council meeting. In some cases the Sarapanch is also unanimously selected by some Majhis and elderly persons of the area and that person is finally elected uncontested.

In spite of such changes the traditional leadership have managed to remain still effective at the village level. There is no conflict between the modern and traditional leadership because both have worked in coordination avoiding conflict and traditional leaders continue to command respect and allegiance of their fellowmen. While the ward member leads his co-villagers in respect of introducing positive socio-economic changes and developments in association with the traditional leaders, the old guards exercise their authority in settling disputes and other internal matters as the custodians of social values, customs and traditions.

Deviant Action and Social Control:

Either the enacted law or the customary law, whatever it may be, the aim and objective of all sorts of law is to regulate, control and discipline the human conduct and to promote social well-being and development both individually and collectively. There is an expectation of conformity with the requirements of the pattern and it implies the existence of common standards

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of what is acceptable or approved behaviour. But under certain circumstances resistance to conformity with social expectations or violation of normative behaviour and social action develop. When such deviations occur, the mechanisms of social control operate to counteract the deviation and restore the social equilibrium.

'Law' according to Radcliffe Brown (1952) "is a means of social control through the systematic application of force of the politically organized society". Pospisil (1971) held that primitive law "manifests itself in the form of a decision passed by the legal authority (council, chief, headman) by which a dispute is solved or a party is advised ...or by which approval is given to a previous solution of a dispute. This form of law has two important aspects. A decision serves not only to resolve a specific dispute which represents the behavioural part played by the authority while passing the sentences, but it also represents a precedent and an ideal for those who were not party to the specific controversy. They regard the content of decision as a revelation of ideally correct behavior".

Law and custom are mechanisms of social control. Custom means norms of behaviour sanctioned by the society. Behaviour in accordance with social norms is praised or rewarded (positive social sanctions). Behaviour contrary to social norms is penalized (negative social sanctions). Supernatural sanctions become operative when a deviant action offends the supernatural beings. Such kinds of offences are called sin.

The customs of the Kutia Kandhas are their age old rules of conduct inter sect, as these are in operation from the time immemorial. Their customary laws include both criminal and civil laws. But there is no clear-cut distinction between criminal and civil laws. Therefore, the Kutia customary laws are laws of wrongs and more appropriately it could be termed as laws of 'torts'.

The Kutias are proud of inheriting their culture from their forefathers. Every major communal ritual begins with the priest and old men reciting their legendary traditions about their glorious origin from almighty lord, *Sapangada*. Their social institutions provide scope at certain points in favour of generating disputes and differences. Majority of disputes arise from the elaborate, complicated and expensive marriage procedures.

Marriage is the most important event in a Kutia life. In all the arranged marriages both the parties deal on unequal terms. It is the girl's guardians who dictate terms. Their highhanded dealings with the boy's guardians breed disputes in many cases. Boy's parents with their kith and kin pay several visits to the girl's parents with gifts. The boy's side goes on pleading with the girl's guardians to get their consent and for that the former struggles hard to fulfill

the latter's demands. The girl's side deliberately makes delays before announcing their consent and finalizing terms and conditions for payment of bride price and fixation of wedding date.

Once the matrimony is finalized, the girl becomes the property of her would be husband and in-laws. If she runs away with her lover, or becomes pregnant being involved in illicit love affairs, her guardians are held responsible. Such cases occur more often in post-marital stage when the girl after seven days of her wedding day in her husband's house returns to her parent's house for long stay of not less than two years. Elopement or pregnancy of the girl at this stage is a serious matter. Then balance of power tilts in favour of the boy's side. The boy's parents and relatives are already disgusted and resentful for the inordinate delay and adamant attitude of their bride's parents to send back the girl to her husband and in-laws. When they hear the news that their bride has eloped with her lover or become pregnant, they become furious and revengeful. To retaliate, they raid, the girl's parent's house, with their arms. In a state of intoxication, they break their opponent's house, destroy their kitchen garden, kill and eat their livestock while shouting abuses. It is like a symbolic warfare but one sided. The girl's side usually does not put up any resistance. They implore the aggressors to sit down and talk peacefully.

The boy's side demands an explanation and a heavy compensation from the girl's guardians against the latter's failure to safeguard their property i.e the girl. To make up for the loss of their bride who eloped with or captured by someone else and the insult and humiliation caused to them due to the elopement and or illegal pregnancy of the girl. They claim twice the amount of bride price they have already paid to acquire the bride. After some negotiation, both the parties finalize the amount of compensation. The amount may be paid in full by the girl's side at the spot or in installments over a specific period of time. Until the boy's party returns home, the girl's side feeds them and entertains them with liquor, which is quite expensive. In addition to the compensation of refund of bride price to boy's side, the girl's side also pays in cash and kind for a feast for the boy's relatives and villagers.

The amount of compensation is fully or partly realized by the girl's parents from the boy (or his guardians), who has eloped with, or captured or impregnated girl. The pregnant girl is asked to divulge the name of her lover. If she agrees to marry the boy, her parents collect the compensation from the boy and permit the marriage. In case the lover boy is poor and unable to pay the amount fully or partly, he is liable to render free service to the girl's parents for a specific period of time in lieu of the payment. If the girl refuses to marry her lover and agrees to go to her husband's house, she may be permitted to do, so after delivering and leaving her baby under the care of her parents provided, her husband is kind enough to forgive her and accept her back. In that case her husband's guardians shall not demand the return of bride-price

from her parents. But the latter are liable to host a token penalty feast to the former for restoration of their honors, which they call *mahat*

Case Study - XXVII

One U. Jani the daughter of L. Jani of Burlubaru village married a boy of Desighati. U. Jani went to the boy's house where the wedding ceremony was held and then after seven days, as per their custom, she returned to her parents at Burlubaru. During that period she fell in love with G. Jani, the adopted son of R. Jani of Kuşumunda and became pregnant. When her husband's relatives at Desighati knew about this, they came to Burlubaru and claimed a compensation (*mahat*) of Rs.6, 000/- from the bride's father with the plea that they have spent Rs.3, 000/- towards the gifts and bride price for her. U. Jani expressed her desire to marry her lover, G. Jani. After much negotiation, it was decided that L. Jani shall pay Rs.4,000/- as *mahat*. L. Jani claimed this amount from G.'s adopted father, R. Jani who had to pay Rs.4,000/- to L. Jani in three installments within a period of four months. In the meantime, he also gave a feast to the parents, relatives and villagers of U. Jani and brought her as her daughter-in-law after holding the formal wedding ceremony.

Case Study - XXVIII

A Kutia girl of Deogada village was engaged to a boy of Balam. Prior to her marriage ceremony, the girl was involved in love affairs with a boy of her village and became pregnant. When her would be in-laws in Balam knew about this, they came to the girl's father to claim *mahat*. A meeting was held and the pregnant girl was asked to reveal the name of her lover and express her wishes as to whom she wanted to marry. The girl identified her lover with whom her marriage could not be permitted because both belong to the same village and same clan and this marriage would be a breach of the rule of clan exogamy and village exogamy. The girl was made to understand this rule and was dissuaded to marry her lover. The lover was summoned before the traditional village panchayat and was fined Rs.400/-. This amount was returned to the girl's would be in-laws from Balam village. The boy of Balam was kind enough to agree to marry the pregnant girl.

If a Kutia girl during her stay with her parents after marriage or finalization of marriage proposals, is captured by someone else or gets pregnant by a boy of lower caste say Pano boy, the matter becomes serious. Such a case is described below;

Case Study - XXIX

D. Majhi's second daughter J. of Tuakela village was engaged to N. Majhi of Germel. Prior to her marriage, J. was captured by R. Jani of Rangapar. She wished to stay with R. After hearing this news, N.'s relatives raided D.'s house and demanded a *mahat* (honour) of Rs.1000/- from the latter. D. paid Rs.250/- and entertained the party with a food and liquor on the condition that he would give his youngest unmarried daughter M. to N. in place of J. N. being a poor man

could not pay the bride price for M. On the suggestion of D., N. stayed in D.'s village to render free service to his in laws for six years in lieu of payment of bride price. Thereafter, M. and N. were married formally and lived as man and wife in a separate shed in Tuakela.

J. after her marriage with R. Jani spent seven days in her in law's family and then returned to her parents. At that time she again fell in love with a Pano boy named, N.K. Paraset, of Guma village who was posted at Tuakela as a teacher in the non-formal school under the Kutia Kandha Development Agency. She became pregnant and this news made her in-laws at Rangaparu furious. They marched with their neighbours and relatives and destroyed the house, kitchen garden and some livestock of D. and demanded a huge sum i.e Rs.6000/- as *mahat*. Because of their unyielding and aggressive attitude, D. took the matter to Belghar police station. There it was decided that a fine of Rs.6000/- would be collected from N. (J.'s lover) out of which Rs.4000/- would be paid to J.'s in-laws and the balance of Rs.2000/- would be kept with D. who would spend another Rs.700/- to entertain his neighbours and relatives with feast and liquor in order to restore his social status against the sin of his daughter. J. Delivered a male child who died of sickness after two months. Now she lives with her parents.

A Kutia boy and girl marrying their opposite sexes belonging to lower caste is a grievous violation of their norms, for which their guardians are socially boycotted because it brings disgrace to their friends, relatives and fellow villagers. The offenders usually run away from their village in shame and the village community takes their guardians to task.

Case Study - XXX

B. Jani the adopted son of R. Jani of Kusumunda eloped with a Lohara girl of the same village. Since Lohara, the local blacksmith is considered to be a lower caste by the Kutias, B.'s conduct brought shame and disgrace to his adopted father and the villagers. His father, R. Jani's neighbours demanded *mahat* from him to restore his social status. He had to host a feast to entertain his villagers. Then he severed all his ties with his adopted son, B. Jani who became an outcaste, after his elopement with the Lohara girl.

Rape and adultery are also treated as grave offences. Adultery is more considered as an encroachment of someone's property than the woman's act of unfaithfulness to her husband or parents or her loss of chastity, because an unmarried girl is treated as the property of her parents and brothers and a married woman is treated as the property of her husband and in-laws. For committing rape, the male rapist is forced to marry the girl if the girl is pregnant and she is willing to marry him and also if the marriage does not breach the rule of incest, clan exogamy or is not prohibitory otherwise. The adulterer faces similar consequences.

A husband may excuse his adulterous wife in the beginning. If she becomes a habitual adulterer, her husband divorces her. In case she elopes with her lover the matter becomes serious. Her husband's party raids the house of her lover. They destroy everything, kill all his animals and demand a *mahat* that is two times of the amount of bride price they had paid for the woman. The lover also has no choice but to fulfill their demands, feed them and then he may be allowed to live with the woman after her husband formally divorces her before the village Panchayat. In the past, these types of offences were being taken to the court of the Mutha Head who was awarding corporal punishment to the offender along with the fine (*mahat*).

Theft and physical assault are social offences. The village Panchayat has powers to decide such cases on hearing complaints from the aggrieved parties. The offender is fined and the fine is spent for a communal feast. The act of causing loss and damage to one's property also attracts fine to cover the cost of damage of property as compensation to the aggrieved party and of liquor to entertain the members of the village Panchyat.

A person practising black magic causing suffering to an opponent or the village community is condemned as a public enemy. The village community swings into action to drive the public enemy out of the village. He may be physically assaulted, have his house destroyed, his assets confiscated and himself driven out by force.

There are certain taboos and restrictions for Kutia women, which are obligatory. Violation of these taboos evokes public criticism in apprehension of social as well as supernatural punishment. One such important taboo is about the seclusion of women during their menstrual period. A Kutia woman remains secluded at the rear verandah of her house during her menses. She cannot cook, attend any ritual and go to any sacred place i.e the seats of the deities during this time. Particularly she is forbidden to pass through the seat of *Dharani Penu* located at the center of the village. If any woman violates this taboo, supernatural punishment shall follow due to the anger of gods and deities, and might bring attack of wild animals and other mishaps. Especially, *Dharni Penu* gets offended and the whole village suffers from pollution by such acts of violation of menstrual taboo. When such a breach is committed, the village community swings into action to appease *Dharni Penu* and restore their ritual status by conducting appropriate purificatory rituals. The woman offender and her family members are liable to pay in kinds of a pot of liquor, one cock, two measures of rice or millet to the village priest *Jani* to conduct the purificatory rite before the seat of *Dharni Penu*. The cock is sacrificed and its blood is smeared over the stone representing the supreme deity. All the villagers and the priest pray that the woman should be excused. Then the rice and the meat of the cock are cooked and the village elders take part in the feast.

Another important taboo is that a woman must not handle a plough. Barbara M. Boal, a noted authority on the Kandhas, is of the opinion that "...it is probably an example of sex symbolism whereby the male plough penetrates the female earth, and a reversal of the dominant male role would be unthinkable" in the male dominated Kutia society. The Kutia believe that if a woman breaks this taboo, the rains will stop, causing crop failure. The guilty woman is liable to provide a goat, some rice and liquor for the purpose of conducting purifactory rites to appease *Dharni Penu*.

There are some other minor taboos for married women like (i) not to jump over the logs brought by men from the jungle, (ii) not to jump over a broomstick (iii) not to sit upon a cot in front of elderly males and (iv) not to assault the husband physically. Violation of these taboos evokes social ridicule. If a woman jumps over logs or broomstick or sits upon a cot, the village elders scold her husband saying- " we have bought this women for you to serve you and your family members and show proper respect to us. By jumping over the logs, she has jumped over our heads. By sitting on the cot she has sat on our heads. She has no right to behave in this manner. She has dishonored us." If a woman beats her husband, the elders say "being elders we have never beaten you (the husband). How, this woman, purchased for you, could dare to beat you. This is quite audacious, shameful and disrespectful. She has to be punished". Then the woman offender and her husband are called before the village panchayat, criticized for her conduct and fined to pay *mahat* in kinds of a goat, rice and liquor. These articles are offered to *Dharni Penu* and then consumed in a feast.

Kutia women are generally cautious not to break these taboos. Sometimes during festive occasions a woman may unconsciously breach a taboo in a state of intoxication. Even then she is penalized.

Case Study - XXXI

Once in the village Rangaparau, G. Majhi's wife sat on a cot lying on the front verandah of her house. It was the first day of Kedu festival and like other men and women of the village she was heavily drunk. The matter came to the notice of her village elders. Soon after the Kedu festival was over, her husband was summoned before the village panchayat, criticized for her wife's conduct and asked to pay *mahat*. He provided one goat and two pots of liquor, which was offered to *Dharni Penu* and consumed in a feast.

In the community-oriented life style of the Kutia Kandhas where individual cannot live without depending on his neighbours and relatives, the punishments like fine, public criticism and social boycott act as powerful deterrents against commitment of offences. Moreover, displeasure of supernaturals for breach of certain taboos can bring disastrous consequence, which no Kutia can dare to invite. Persons violating marriage rules or the

culprits defying the decisions of the village elders face the humiliation of social boycott. The neighbours and relatives sever all links with the offender. No one will talk to him, go to his house, invite him for a drink and he cannot take part in communal affairs like meetings, feasts and rituals. Persons guilty of incest, marriage in lower caste and black magic are driven out of the village and the village community confiscates all their properties. In such a situation, the culprit's life becomes miserable. He has no way out but to come back to appeal before his village elders begging excuse and seeking readmission into the village community after payment of penalty and holding the prescribed purificatory rites. Thus social boycott works as a powerful instrument for commanding the obedience of individual to the collective will of the society.

Oaths and Ordeals:

At the time of deciding cases, the Kutias were resorting to oaths and ordeals to prove or disprove a claim or offence in the past. A woman accused of witchcraft or adultery was being asked by her husband to walk in a fiery trench. If she emerged unhurt she was considered innocent and her husband had to give her a buffalo and some food grains for making the false accusation.

For settling land disputes the Kutias firmly believed that, rice soaked with the blood of a sheep scarified in the name of *Dharni Penu* or a paste of soil from the disputed site, if swallowed by both the parties involved in the dispute shall cause fatal illness to the party who is false. Several other methods were also being applied. A cock belonging to any one of the parties was being tied on the disputed boundary line. If the bird remained calm and quiet, the claim of its owner was taken to be true. But in case the cock fluttered and moved here and there its owner would lose his case. Another method was to fix an arrow on the disputed boundary line and pour rice over it. The village priest invoking the earth goddess would pour rice on the tip of the arrow. Consequently there would grow two heaps of rice on both the sides' of the arrow. The side having larger heap than the other would win the case.

There were ordeals by boiling water, hot oil, and hot iron and by submergence in streams to prove or disprove the guilt. These ordeals were made for detection of theft and black magic. To conduct the boiling water ordeal, water mixed with cow dung would be boiled in a new earthen pot and the accused would put his hands in to it or bring out some objects put in to it. If the accused remained unhurt he would be declared innocent. The hot oil ordeal was exactly the same.

In case of hot iron ordeal, the priest would sprinkle rice over a piece of red-hot iron in the name of the party while invoking the gods and deities to establish the truth. If the iron would smell, the person would be guilty. Alternatively, the hot iron would be placed on the person's palm with a stick lying in between the iron and the palm. If the person's palm remained unhurt, he would be declared innocent.

The ordeal by immersion in water was being conducted in a stream or pond. The accused and the defendant would be asked to remain submerged in water holding their breaths. The person who remained submerged for longer duration of time than the other would win the case.

The Kutia concept of justice is judged by the customs, traditions, usages, culture, and religion and by the accepted social norms of the Kutia people. The procedure and enforcement of customary justice are in *pari pasu* with their concept of justice, equity and good conscience dictum. Any departure or deviation in exercising its jurisdiction must conform to the broad outlines of their social justice.

Their customs and customary practices are in existence since time immemorial. The aim and objective of these laws and practices have been to maintain internal peace, law and order, check crime and breach of their customs and practices, ensure adherence to their religious beliefs and practices. The broad principles in the enforcement of these customary rules and principles have been to impart justice and redress the grievances by compensating the damages accruing from the loss of life, property and prestige rather than by awarding harsh or corporeal punishment to the offenders.

The customary judicial system of the Kutias is simple and practical. It tries to maintain their traditional concept of justice and equity. The council of elders functions more as a board of arbitration equally sympathetic to both the parties than as a body of stern dispensers of justice which the offenders fear and try to evade. The idea of judgment in the legal sense is absent. The village leaders and elders with their knowledge of customary laws and precedents interpret the laws. They act as arbitrators and not as judges. They weigh the gravity of the act, find out the extent and value of damage and work out a formula for its reparation. They try to reach an amicable settlement that is satisfactory to both the parties. There is little scope for delay, favouritism and manipulation.

The powerful instrument of public criticism and social boycott applied against persons who disobey the elders, ensures obedience to the customary laws administered by the council of elders. Supernatural sanctions make the offender to undergo a fear psychosis. Therefore, he cannot dare to act contrary to the will of the elders and supernaturals. Further the logic behind the Kutia's payment of compensation for every type of offence is to identify a real deterrent against the commission of the crime. Because the advantage of a system of compensation or restitution is that it does not involve sending any one to jail and inflict a serious material and psychological penalty on the offender. Their justice is speedier, easy and cheaper.

Chapter-VII**STABILITY AND CHANGE**

One significant characteristic of customary rules and practices is that it is not very rigid for all time to come. It changes with time to meet the requirements of the society to remain valid.

Today as evident from the pattern of societies all over the world, certain foreign agencies, changing circumstances, and new socio-political developments compel a society to give up their age-old traditions and accept new ideas. There is spontaneous exchange of human resources, science and technologies, art, culture, religion etc. As a result a simple society grows pluralistic and goes beyond the clutches of customary laws and practices.

The Kutia Kandhas, belonging to a simple society have their own customary laws and practices and their own way of administering law and justice. They do not possess any written law of their own creation. It seems that the basis that determines the nature of Kutia customary rules and principles which guide in imparting justice and the related basis of punishment, are all directed towards one target, that is, preservation of age old customs, practices, traditions and usages. According to them, to follow a custom is to follow a law and to deviate from it is to commit a breach of law. The very enforcement towards adherence to a custom, turns custom into a law particularly when the custom is closely linked with display of standardized interpersonal relationship, between the members of their society in any sphere of social activity and that a little deviation is not only a strikingly alarming anachronism but also an irksome, incongruent and irreconcilable anathema to everyone's sense of traditional reasoning. For them the custom is as sacrosanct as an edict of law and the nature and the manner of dispensation of justice is based on it.

Most of the Kutia customs and traditions have been preserved all through the long years of their existence. The nature of their customary laws can be comprehended on certain basis. One of the basis lies in the principle behind the structure and function of their traditional village council composed of village elders, household heads and traditional village leaders. A Kutia village in the past was composed of families belonging to one lineage and clan. The villagers therefore formed a close-knit agnatic kin group and an individual had to look forward to the other members for cooperation and support for his very

existence. Therefore, in case of any wrong done to him it also affected his kinsmen. Then the kin group would rise together to retaliate or receive compensation. The roles and functions of the village council were the manifestations of collective responsibility of kinship bonds to perpetuate age-old customs and traditions by following the precedents of their forefathers.

Any issue with a potential discord or dissension that cuts across kinship bonds had to be resolved and subsided. For damages, no doubt, appropriate compensation had to be made besides conducting necessary rituals or ceremonies and feasting following the norms. This principle of reconciliation as necessitated by the preservation of kinship bonds when extended in similar manner to larger groups comprising several lineage of one clan or more than one clan gives clue to the democratic and the decentralized political system and institutions.

With the passage of time, and with gradual growth of population, thereby increasing members of lineages and formations of clans, the preservation of kinship bonds along with the spirit of reconciliation always continued to dominate as the guiding principles of resolution of inter-personal relationship, which gradually extended beyond and covered other kinship groups. In this process of embracing larger groups, the democratic and decentralized process continued to manifest itself and acquired the stamp of stability and permanence and assumed the shape of an institutionalized association, that is, the political system as the kin group grew in to a tribe.

Very little is known about the part history of development of the Kutia Kandha society. But prior to British occupation of the Kandha territory during the last century, the Kutia country was under the chiefdoms ruled by the Rajas and Zamindars. In 1836, the Raja of Ghoomsar revolted against the British Government and took refuge with the Kutias in their remote hill settlements. The natives rose in rebellion against the British Government when British troops invaded their settlements to arrest the Raja. The British administration suppressed the revolt with heavy casualties on either side and finally brought the area under their control. They also suppressed the barbarous human sacrifice (*meriah*).

The Kutias are a brave and courageous people. They love their independence and boldly resist any outside interference. Their feudal rulers never interfered with their life style but established friendly ties with them only to get their loyalty and tributes and allowed them to continue with their own system. The Britishers also exercised due caution to administer them because of their bitter experience in subjugating the natives at the outset. They recognized the traditional system of the Kutias and collected revenues and taxes by reinforcing the traditional system. But with the spread of British rule in the hill tracts, some development works such as roads, schools, dispensaries,

rest-sheds were constructed. Revenue and police administration was also brought in to the area. With the opening up of the interiors, people from the plains infiltrated in to these areas as contractors, moneylenders, traders, brokers, social workers and Government servants. Many of them found it easy to gain the confidence of the simple natives and exploit them in all possible ways. The Kutias suffered at the hands of these exploiters. In 1865, a general rising of the Kutia Kandhas took place having its root in a dispute about payment for construction of certain roads, which the Patro (Mutha head) of Subarnagiri had contracted to execute.

The Kutia area was included under Ganjam Agency during British rule. "In the whole of the Agency tracts... the Kandhas used to hold land rent free and pay *mamul* to the Hill Chiefs in kinds as well as in cash. Though a proclamation issued in 1846 the (British) Government made it known to the public not to levy any tax on the Kandha. What happened as a result, most of the lands belonging to the Kandha and other tribal communities passed on to the non-tribals by the process of alienation. To put a stop to this process the Agency Tracts Interest and Land Transfer Act-I of 1870 was passed prohibiting transfer of land from the tribal people to the non tribal people without express permission of authorities." (Patnaik, 1982).

The British policy of "leave them alone" was reflected in the Government of India Act, 1919 & 1935 which provided for partial exclusion of backward tribal areas i.e. the Agency Tracts. This Act declared the Agency tracts of the districts of Kandhamals, Koraput, Ganjam, Sambalpur and Angul in Orissa province as Partially Excluded Areas. Many developmental works were undertaken during this time. The British administration gave due weightage to the indigenous institutions of the natives. Such system may be described as "indirect rule" and defined as a system of governance by which the controlling power encourages amongst the natives, the fullest possible use of their dynamic institutions as instruments of local self-government on lines consistent with modern requirements.

By and large the Kutias remained happy and contented with their undisturbed life-style. One of the Assistant Agents who was in charge of administration of the Agency tract once reported, "I am convinced that the Kandhas are animated by as a strong sentiment of contentment which it would require a course of systematic oppression or of the most insensate mismanagement to upset, while there is no doubt that combination for rebellion would in a great measure be thwarted by diversity of dialect and of the survival of blood feuds between 'Mutha' which though liable to cause casual breaches of peace as a bulwark against general rebellion." (Patnaik, 1972).

Despite the merits and demerits of the British Administration, it can be said that the foreign rulers were sympathetic towards them and were

successful in creating a general awareness about tribal problems in this country. Influenced by public opinion, British Government appointed a committee designated as "Partially Excluded Areas Enquiry Committee" in 1938 to examine the tribal problems and recommend remedial measures. Its recommendations submitted to Government in 1940-41 included reorganization of administrative structure, checking shifting cultivation, enforcement of prohibition, development of road communication, spread of education, provision of public health and veterinary services, abolition of debt and bondage, modernization of agriculture, etc. These recommendations could not be translated into action due to war emergencies and subsequently India gained independence.

The post independence policy disparaged thoroughly the approach of 'integration' and assimilation' which was aimed at activating and developing all that was good and useful in the tribal society and culture. Several developmental programmes for the upliftment of the backward tribals were geared up. Constitution of India incorporated special provisions granting special privileges and protections to the tribals who were declared as Scheduled Tribes. Panchayat Raj system of local self-government was introduced. Special Multipurpose Tribal Development (SMPT) Blocks started functioning for socio-economic development of the tribal areas. During the fifth five-year plan, the integrated Tribal Sub Plan (TSP) approach was implemented. The Kutias of Belghar are covered under the Integrated Tribal Development Agency of Baliguda sub-division. Since 1979, a Micro project named the "Kutia Kandha Development Agency has started functioning at Belghar with the aim of bringing all round socio-economic development of the Kutia Kandhas who have been declared as a Primitive Tribal Group (PTG).

All these development exercises have brought some change among the Kutias. Their dependence on shifting cultivation has reduced to some extent and they have started taking up settled cultivation with some modernized agricultural practices. As a result of the impact of land settlement operations and issue of *patntas* (tenancy rights) to individual landowners, they have become more assertive of their rights over their lands. The 'Land Alienation Act' (Regulation-2 of 1956) has reduced the frequency of land alienation from the Kutias to their non-tribal neighbors. The exploitation of Panos are no longer tolerated. With the spread of formal and non-formal education, their level of literacy has jumped up from 4 percent to 25.83 percent. The younger generation has become more conscious of their rights and privileges and their worldview has widened.

In the village politics, the traditional leaders feel it their duty to cooperate with modern leaders' i.e the ward member, Sarpanch, Panchayat Samity Chairman, M.L.A. and M.P., in planning and executing the development programmes. The new leaders of younger generation instead of challenging the

planned change rather accept the new policies and programmes and explain the same to the elders to enlist their support and advice. They take part in the elections to elect their leaders. Despite all these, most of the traditions of their fore-fathers are obeyed as a rule because, they love their traditions by which they have preserved and upheld their "group identity" against the tide of modern changes.

By rapid increase of population, socio-economic and political development, the Kutia society is not excluded from the recurring changes and resultant development. At present, the general widening of the outlook of the Kutias made possible by outside contact and resulting complexities of life in general, have made room for doubt – to what extent the customary law would meet the requirement of their present day needs. More over with the march of time and development taking place, changes in the society, its norms and values are bound to occur. The younger generation is becoming more conscious of their rights and privileges. The changes in the outlook and policy of the Government have brought the Kutia society closer to the rest of the nation and made their mind little open for acceptance of new ideas.

It appears inevitable under the present circumstances that a customary law or even an enacted law cannot maintain its originality and there may occur some changes and modifications to suit the prevailing conditions. Although some visible changes have appeared in the concept of Kutia customs, and marked departure in the observations of these customs, yet such deviations have not changed the basic features of the original custom. Although, for example the human sacrifice has been converted to buffalo sacrifice, the devotion and *modus operandi* remains the same as before. Rather such changes are accommodated within the bounds of the customs without any radical changes. The concept of customs relating to marriage, inheritance, restitutions etc. also exhibit trends towards modernism. Whenever there is conflict between new and old concept of custom, the justice, equity and good conscience play a vital role as a mitigating factor. Generally the new changes are accommodated by modifying the contents while the spirit behind the custom is tried to be kept in tact.

PART III

LANJIA

SAORA

Sarat Chandra Mohanty

SOCIO-CULTURAL PROFILE

The "Saora" or "Savara" is a great ancient tribe of India as well as one of the oldest known tribes of Orissa. They are not only numerically important but also a historically and culturally significant tribal community of the State. They have been mentioned quite frequently in Hindu mythology and ancient classics, epics, *purans* and various other scriptures. Especially in Orissa, they have been very intimately associated with the cult of Lord Jagannath, who according to a legendary tradition originated as a tribal deity and was later brought to Puri under royal patronage.

According to Singh, "The History of the Saora from the earliest times has been narrated by many writers, notably Thurston, Bell, and Elwin. The name of the tribe has been known for about two thousand years. Pliny makes mention of Suri and Ptolemy of Sabari. Ptolemy particularized his description by saying that the tribe dwelt in the south west region of the Gangetic delta and at a short distance from the sea coast, making identification of the tribe with the Saora of Orissa possible. The name of the Saora also occurs both in the Mahabharata and the Katha- Sarit Sagar." (1984: 1)

The tribe is called by various names such as Saura, Sabara, Sahar, Saur, Sora, etc and has their racial affinity with the proto-Austroloid stock, which is dominant among the aborigines of Central and Southern India. They are widely found all over the Central India comprising the States of Bihar, Orissa, Andhra Pradesh, Madhya Pradesh, Maharashtra and West Bengal. They speak an ancient Mundari dialect of their own called 'Sora'.

The nomenclature 'Saora' appears to have two connotations one derived from the 'sagories', the Scythian word for axe and the other from 'Saba Roye', the Sanskrit term for carrying a dead body. Both of them fit well with their habit of carrying an axe always on their shoulders with their primitive occupation of hunting and living on spoils of hunting.

Numerically, the Saora constitute one of the major Scheduled Tribes of Orissa. They are found in almost all the districts of the State. But their main concentration lies in a contiguous mountainous territory forming a major part of the agency tracts of the Eastern Ghats in Rayagada (formerly undivided Koraput district) and Gajapati districts in Southern Orissa, which can be called, the "Saora Country". Their population in the state as recorded in successive Census enumerations from 1951 to 2001 is given below.

1951	-	1,91,401
1961	-	3,11,614
1971	-	3,42,757
1981	-	3,70,060
1991	-	4,03,510
2001		4,73,233

The census data show that the population of the tribe has been growing over period of time. Their population growth rate during the period 1961-71 was 10 percent, during 1971-81 was 8 percent and between 1981 to 1991, 9.04 percent and between 1991 to 2001, 17.28 percent. Their sex ratio was 1030 in 1981, 1015 in 1991 and 1007 in 2001 showing numerical superiority of their women over men.

They were educationally backward. Their percentage of literacy as recorded in 1961 census was only 7.80 per cent. Over period of time it has successively improved to 10.20 per cent, 14.47 per cent, 25.58 per cent and 41.10 percent in 1971, 1981, 1991 and 2001 Censuses respectively. Their level of literacy as recorded in 2001 is higher than that (37.40 percent) of all STs.

The Saora society is divided into as many as 25 subdivisions such as Kapu, Jati, Sudho, Jadu, Jara, Arsi, Duara or Muli, Kindal, Kumbi, Basu, Lanjia, etc. It is based on occupation, food habit, social status, customs and traditions. According to Thurston's (1909) classification, the Saora are divided into two broad classes, that is, the hill Saora and the low country Saora. Under the hill Saora category the following sub-divisions are included.

1. *Savara, Jati Savara* – they regard themselves as superior and eat the flesh of buffalo but not cow.
2. *Arsi, Arisi, and Lambo Lanjia* – their occupation is weaving coarse clothes as well as agriculture.
3. *Luara or Muli* – this section makes arrow heads and other iron articles.
4. *Kindal* – they make baskets for keeping grains.
5. *Jadu* – said to be a name among the Saora for the hill country beyond Kalakote and Puttasingi.
6. *Kumbi* – these sections are potters who make earthen pots used for cooking or for hanging up in houses as fetishes of ancestral spirits or certain deities.

The Low Country Saora is divided into two groups:

1. *Kapu* – (denoting cultivator) or *Pallapu*.
2. *Sudho* – (good/ pure).

It has been further noted by Thurston that, the pure Saora tribes have restricted themselves to the tracts of hill and jungle covered valleys. But as the

plains are approached traces of amalgamation become apparent, resulting in a hybrid race, whose appearance and manners differ but little from those of the ordinary denizens of the low country. The Kapu Saoras are said to retain many of the Saora customs, whereas the Sudho Saoras have adopted the language and customs of the Oriya Castes.

The "Lanjia Saora" who are called the "Hill -Saora" by some noted ethnographers like Verrier Elwin, constitute an archaic section of the tribe. They inhabit the enchanting and mountainous "Saora Country" in Southern Orissa. They are famous for their expertise in terrace cultivation, shifting cultivation, elaborately religious lifestyle, artistic skills for producing beautiful wall paintings, pictograms popularly known as icons and their peculiar traditional male dress-style in which the ends of the loin cloth hangs like a tail at the back. Therefore their neighbours call them "Lambo Lanjia" meaning, "having a tail".

As stated above, the **Lanjia Saora** represent a primitive section of the Saora tribe inhabiting a contiguous mountainous territory stretched across Gunupur Sub-Division of Rayagada and Parlakhemundi Sub-division of Gajapati districts of Southern Orissa where the bulk of their population is concentrated. This picturesque territory with its undulating terrain, rolling hills, terraced paddy fields, perennial hill streams and patches of lush green forests lies at an average elevation of 2000' above the sea level. It forms a natural geographic unit, comprising fertile valleys of the Vamsadhara and its tributaries between the mountain ranges of the Eastern Ghats.

The climatic condition of the region is more like that of the Deccan plateau. Because of its elevation, the area experiences a mild and moderate climate, with a short and mild summer, moderate monsoon and a long winter. The hot summer lasts from March to May and chilly winter reigns from October to February. June to October is the time for monsoon. Seventy-nine percent of the rainfall occurs during the monsoon, i.e. June-October. The months of July and August are the rainiest months. The average annual rainfall over this hill tract is 67.05". The spatial distribution of rainfall in this area is largely influenced by the Eastern Ghats.

In the absence of separate census enumeration for the Lanjia section, their exact population is not known. However, their population in the areas covered by two Micro Projects viz, LSDA, Puttasing and LSDA, Serango is 9661 as per the survey conducted by SCSTRTI during 2001-02. By 2007 this has increased to 11215 (5597 males and 5618 females) showing numerical dominance of women over men according to another socio-economic survey conducted by SCSTRTI in collaboration of the concerned Micro Projects during 2007 for preparation of Conservation-Cum- Development Plan for Primitive

Tribal Groups (PTGs) for the 11th Five-Year Plan. Similarly their level of literacy has gone up from 27.23 percent in 2001-02 to 32.22 percent in 2007.

The Lanjia Saora by their appearance resemble the other pre-Dravidian tribes. They have long heads, flat noses with expanded alae. There is a depression at the root of the nose. Facial prognathism is marked. The hair is wavy and curly but individuals with straight hair are also found. The skin colour is brown to dark brown. There is a speciality about the dress of a Saora man, which consists of loincloth about six feet long and about ten inches in breadth. This is tied around the hips, which hang down in two strips, the one in the rear being longer. The traditional dress of Saora woman is a waistcloth with gray borders, which hardly reaches the knees. The skirt is above three feet in length and about two feet in breadth. In winter or cold weather she covers her upper part of the body with another piece of cloth tied at the back with a knot.

The Saora women are not fond of adorning with bundles of necklaces that are made of beads or metals. A few necklaces of beads, round wooden plugs, spiral rings made of brass or bell-metal or aluminium in the fingers and toes, little rings, in the alae of nose and metal anklets are worn by the women. All varieties of these ornaments are available to purchase in their local weekly markets. Now men wear dhotis, shirts, banyans, pants and women wear sarees, blouses, petticoats etc.

The Saora habitats are located amidst most inaccessible hill region claded with thick forest, making it very difficult to reach there, through zigzag steep hill paths. They generally live in small villages and construct their houses on the hill slope or at the foot of the hills. Whether small or big, the Lanjia Saora villages are long established in their present sites. The settlements have come up in undulating terrain and houses remain scattered. It might have linear streets and sometimes houses might be located here and there depending upon places and slopes available. Close to the settlements megaliths are erected to commemorate the dead kins. Two wooden posts, called Gasadasum or Kitungsum installed at the entrance of the settlement, represent the guardian deity of the village. In these days due to the impact of modernization and development intervention, many remote Lanjia Saora settlements have got a facelift. Approach roads connect them and inside they have concrete street roads and paths. Modern *pucca* houses have replaced their tiny old huts.

The Saora houses are single roomed and rectangular in shape and are fairly high. Though the plinth is sufficiently raised from the ground, the roof is proportionately kept low. There is a high front verandah. The walls of the houses are made of stone pieces set in mud. The walls look reddish because of red earth plaster, which is locally available and is used for plastering. From the roof hang a number of household assets like baskets, gourd vessels, clothes and umbrella. Things like spears, bows and arrows are fixed in the walls.

Agricultural implements are kept in one corner of the house. The sacred pots, gourds and baskets containing sacred objects, like special clothes of the ancestors and tutelaries are hung against the walls, which are painted with ikons. On the side of the house a cowshed is constructed.

The well-to-do Saoras build bigger houses with spacious verandah fitted with carved doors. A Saora having more than one wife has to construct separate houses for wives. At the time of constructing a new house rice and wine are ceremonially offered to the earth goddess and a pit is dug in which the first pillar is fixed.

Saora economy is primarily based on shifting cultivation and is supplemented by terrace cultivation. They also resort to occasional hunting, rare fishing and round the year forest collection for their subsistence. The Saoras are the best-terraced cultivators. The terraced fields in which water flows throughout the year are locally called, *Sarroba* and are exclusively meant for paddy cultivation. The upper terraces, which are dry, is locally called as *Jyanum* and used for cultivating ragi (*elusine corocana*), biri (*phaseolusmungo*) and kulthi (*dolichos biflorus*).

In the little garden around the residential houses they grow maize, tobacco, chilly and vegetables, like pumpkin, gourd, bean, brinjal, etc. during rainy season. Papaya, banana, lemon and orange plants are also grown in the kitchen garden. Coconut plants, which are also found in the area, are recently introduced. In and around the village settlements jackfruit, mango, tamarind, *mohua*, date-palm and sago-palm trees which are individually owned are seen.

Every Saora village has a well-defined boundary and its inhabitants carry on shifting cultivation in the hills located within the village boundary. Some hills are close to the village and others lie at a distance. Traditionally the hills were distributed on the basis of *Birinda* or extended families. Members of a particular *Birinda* used to have swiddens exclusively in a hill and no outsider was allowed to share the hills for shifting cultivation. An individual who has been cultivating a particular plot continues to own it as long as he is capable of cultivating it. Thus individual ownership of swiddens on hereditary basis is in vogue among the Saoras.

Certain rituals are attached to shifting cultivation. A ceremony is performed on the day of sowing. Before the seeds are mixed and broadcast, the village *Buyya* and *Kudan* worship, the hill-Gods by offering them liquor and sacrificing fowl and goat.

A small ritual, which involves the offering of either a fowl or a goat to the hill God called Barusum, is observed towards the end of August after *Kangu* is harvested. The next ceremony follows before *Jana* is threshed and *Kandula* is harvested. On this occasion fowls are offered to the hill-Gods. Among the

Saoras there is a belief that if these ceremonies are performed they will get good crop from the swiddens.

The principal food of the Saoras is gruel (*pej*) prepared out of rice, ragi, *jana* or *ghantia*. Besides, they take vegetables grown in kitchen gardens and fruits, roots, leaves, tubers and honey collected from forest. The non-vegetarian food is much more relished than the vegetarian diet and no festival is observed and no guest is entertained without non-vegetarian food.

The smallest social unit in the Saora society is the family which is mostly of nuclear type. Generally a family comprises parents and their unmarried children. They have no exogamous totemic clan, no phratries and moieties, except the local patrilineal descent groups or lineages called *Birinda*.

The Saoras are unique due to the absence of clan or sib organization, common to most of the tribal societies in the country. Without clan they lack in the complementary institutions of totemism and taboos in matrimonial relationships. Instead there are extended families called *Birindas*. *Birinda* consists of descendants from a common ancestor of 4-5 generations. Marriage is prohibited within a *Birinda*. The members of a *Birinda* stand to each other as blood brothers. They participate in *Guar* and *Karya* ceremonies with their contributions. The *Birinda* also inherits the property of a heirless member. A remarkable feature is that among the Saoras a woman from birth to death belongs to her father's *Birinda*. Her *Birinda* membership does not change by virtue of her marriage. After her death the members of her own *Birinda* may claim to perform her funerary rites and *Guar*. Such claims are accepted by her husband's family ungrudgingly. Nevertheless, *Birinda* is not synonymous with clan or gotra where members living in far off places, observe, common rules of exogamy.

The Saora love their children very much. When a woman proved to be barren, her husband may marry another woman or adopt a child. The pregnant woman does her usual work up to the time of delivery. When the labour pain starts, she is confined to a corner of the house and an experienced elderly woman acts as a midwife and rubs her abdomen with castor oil. This leads to easy delivery. The umbilical cord is cut by a sharp-edged arrow by the midwife. The placenta is buried in a pit in one corner of the courtyard of the house. Then the mother and the new born baby take bath in tepid water. The pollution period is observed for seven days. On the seventh day the woman takes bath and cooks food, which is shared by the females of the house. Generally they prefer the names of the ancestors for naming the child.

The Saora marriage is not an elaborate affair. It is rather queer that the people, who spend most of their resources in observing a chain of expensive festivals and ceremonies, celebrate their marriage in a very simple way. There

are various ways for acquiring mates. To mention a few of them are, marriage by negotiation or arrangement, marriage by capture and marriage by service. Of all these types marriage by arrangement is most common and considered prestigious in the society. The arrangements are made by the parents and relations of the groom who take initiative in the matter. In a stratified society as the Saoras have, negotiation is made between two parties having equal economic and social status. For a son of *Gomang* (secular chief of the village) another *Gomang's* daughter may be arranged and a *Royat* (commoner) may not venture to propose for a *Gomang's* daughter.

The Saoras do not observe village exogamy except where the village is inhabited by the members of one *Birinda*. In big villages having more than one *Birinda* marriages are often arranged within the village.

The Saora cremate their dead. But persons dying of cholera and small-pox are buried. As cremation is a family function, *Birinda* members participate in it. Some members collect wood for the pyre and the girls who are trained to act as assistants in funeral rites fetch water and prepare turmeric paste. Then, the corpse is carried to the cremation ground in a procession accompanied by a musical band. The next day, they visit the cremation ground to examine the ashes with a view to find a sign of the cause of death. In the evening a fowl is killed in the cremation ground and cooked with rice which is shared by the members of the village. Then after a year or two the *Guar* ceremony is performed. On this occasion, *narani* are planted and large numbers of buffaloes are sacrificed.

Perhaps, the religion of no other tribe is so elaborate as that of the Saoras. It is true that without understanding their religion, one can not understand any other aspects of their life. The concept of Supreme God is almost non-existent among the Saoras. In different parts, different Gods are considered Supreme. Moreover, there can be no standard catalogue for these Gods, for their composition continually changes as new ones are introduced and old ones are forgotten.

All the varied aspects of their environments are associated with some God or other. The Saora Gods differ from one another in composition, function, character and nature. Some are benevolent; some are neutral and some others malevolent. All these Gods and spirits have constant demand on the living beings. If their demands are not met they may cause harm.

Sonnum or *Sunnam* is the general name for the Saora deities and spirits. The deities are called in different names such as *Labosum*, *Rudesum* and *Karunisum* etc. The word *Sonnum* is used in a general sense when applied to particular order of deities and spirits. Besides these, the Saora worship a number of evil spirits and malevolent deities.

The Saoras are very famous for their wall-paintings known as ikons. Inside the house on the walls one often finds a group of sketches elaborately drawn, which are of religious significance and therefore called italons or ikons. The exact symbolic meaning of the ikons which consists of various sketches of human being, horse, elephant, gunman, aeroplane, bi-cycle, sun, moon, etc. are very difficult to understand. An ikon is done to flatter and please the Gods and ancestors so that they may spare the members of the household from their invidious attention. At frequent intervals the ikon may be replaced by another depending upon the exigency of the circumstances.

The religious functionaries who cater to the spiritual needs of the Saora are *Buyya*, who presides over agricultural festivals, *Kudan*, the Shaman who combines the functions of priest, prophet and medicineman. His female counterpart is called the *Kudan Boi*. The position of the *Buyya* is ascribed, whereas that of the *Kudan* is achieved.

Ideally speaking, the Saora villages are self-governed and the traditional panchayat plays an important role in maintaining the law and order and village solidarity. In every village the people are under the command of two elders, *Gomang*, the secular headman and *Buyya*, the religious headman. The offices of both the persons are hereditary.

In every village meeting the *Gomang* has to preside over and initiate discussions and take decisions in consultation with the elders of the village. Ordinarily for any usual offence, the accused has to pay by way of fine in shape of two pots of liquor and one goat or pig etc. and to feed the villagers with these. The exact amount of fine depends upon the gravity of offence.

The Saoras are very artistic people. Their artistic skills are not only revealed in their wall-paintings but also in their dance and music. They, irrespective of sex, cultivate the art of dancing and singing, as a matter of natural habit. In their songs one can find a great deal of humour, romance and melody in combination of the words. In Saora dance, group of men and women, jumble up together and while dancing the drummers and the dancers advance towards each other alternatively with the rhythm of the music. Colourful costumes are used while dancing.

The musical instruments of the Saora are not many which consist of drums of various sizes and flutes and string instruments. The drums are of three types, a kettle drum, a double membraned drum and a large drum shaped like a bowl. There are brass cymbals, brass gongs and hide gongs. All these noisy percussion instruments are usually used at some agricultural festivals. At marriages, fiddles are popular. There is a two stringed fiddle consisting of a bamboo stem with half a coconut shell serving as a resonator. It

is played by running a bow across it. A second kind of two stringed instruments, somewhat like a guitar, also has a bamboo stem, but here the resonators are two gourds. A third musical instrument, very popular at marriage is a rasp. It is made from a segment of bamboo and has a slit cut longitudinally down its middle portion. The slit is corrugated, and when scraped with a stick, emits a grating sound.

The Saoras who have very little knowledge about environmental sanitation do not keep their villages clean. Rather, their villages look dirty as cow-dung and other refuse like household dirt and animal excreta etc. are thrown here and there in the street. As such, the people suffer from various diseases of which malaria, gastro-intestinal disorder, diarrhoea, dysentery, hookworm and roundworm infections are common. In these days this scenario is changing under the impact of external agencies and modernization.

Like their magico-religious life, dress-style, artistic talents and terrace cultivation skills, another important feature is their keenness to maintain their group solidarity and preserve their cultural identity by adhering to the ethics, values, morals, customs and traditions, which are unique. Their interpersonal relations are governed by fixed status and well-defined customs, which are applicable to all aspects of social life. The ethical percepts and norms are transmitted from generation to generation through the informal process of socialization.

The problems faced by the Saoras are manifold and deep rooted. Diminution of productivity of swiddens over the years and the ban imposed by the Government against shifting cultivation and hunting is threatening their economy. Added to this is unchecked exploitation by the Doms, one of their neighbouring Scheduled Caste communities, over them. The timid and industrious Saora have endured all the evils for centuries. Sometimes when things have gone beyond their limit of tolerance they have rose en masse to register their protests. But by and large, they have remained a simple, shy and peace loving folk.

Since the remote past the Lanjia Saora lived undisturbed in their remote mountainous habitat. In modern times, the rapid changes in administrative set-up and political climate of the country and their exposure to the external modern world have influenced the Saora way of life. For example, abolition of intermediary system has set the Saora free from the clutches of the oppressive feudal lords and their unscrupulous subordinates and this has contributed to the modernization of their political organization.

After independence, the welfare Government has taken a very benevolent attitude towards improving the lot of the downtrodden tribal people of this country including the Saoras. Various welfare measures initiated

by the Government have resulted in exposing the Saora more and more to outside contact and pressures of ever-advancing and powerful social, economic and political forces. During the 5th Plan, Tribal Sub Plan (TSP) approach was adopted and Lanjia Saora was identified as one among 13 Primitive Tribal Groups (PTG) in Orissa. For their all round development of two Micro Projects, one located at Puttasing in Rayagada district and another at Serango in Gajapati district have been established. The Micro Projects have adopted the basic approach of Tribal Sub Plan, that is, location specific and community specific holistic development of the target area and the people. The objective is to raise the living conditions of the Lanjia Saora and change them from a primitive and pre agricultural stage of shifting cultivation to modern agriculture and the culture of such other beliefs and practices. The impact of the political change, election system, adult franchise and local self-government have triggered off various political processes and generated new leadership among them.

Chapter-II**FAMILY**

In the Saora society, the family is the smallest basic social unit where the customs and practices are put to test during the process of socialization. It is a cultural superstructure built upon a biological foundation. Besides, the biological needs out of which it grows, the need for utilisation of resources in the environment contributes to its growth and continuance.

The Saora family is the pivot and core of their social life. The size of family increases/decreases due to birth, adoption, marriage and death. It consists of members of both young and old. It is the institution in which the Saora receives his first care, protection and also his basic training in social values and behaviour.

The Saora society is composed of families bound together by kinship ties and the rules of marriage, descent, residence, inheritance and succession. Nuclear type of family comprising parents and their unmarried children is preponderant among the Lanjia Saora. After marriage the girls leave their parents to live with their husbands. Married sons build separate huts to establish separate households for their spouses and children. But sometimes, till a married son is able to set up his new household, he and his wife stay with his parents for a temporary period constituting an extended family. As per the existing custom, the only son or the youngest son does not stay away from his parents after marriage. He looks after his parents and unmarried sisters and inherits the paternal house after the death of his parents. Sometimes, although the married sons live in their separate houses, they commonly cultivate their father's farm lands and share a common kitchen in their parents' house till the death of their parents, after which they divide the paternal property among themselves and set up their own kitchen in their respective households. Even if married sons stay separately and old parents stay with the youngest son or live alone, all sons jointly contribute for the care and maintenance of parents. The main reason for married sons setting up separate households is lack of accommodation in the small parental house. Married brothers and their old parents may live together for sometime in their parental house as long as their wives pull on together there without any complaints. Separation takes place when their wives quarrel frequently among themselves.

Nuclear and monogamous families are common in Lanjia Saora society. But instances of polygynous families are not rare because their society permits a man to have more than one wife if he has means to support them. During the

study, it was found that out of total 242 families 103 (42.56 per cent) are nuclear and were found to be monogamous and 139 (57.44 per cent) are polygynous and extended families. Detailed data regarding population, types and forms of families and average family size in the study villages are given in the following table (Table-1).

Table - 1
Population and Family Types in the Study Villages

Sl. No	Name of the village / hamlet	Population			Types & forms of families (In numbers)				Average
		Male	Female	Total	Nuclear & Mono-gamous	Extended		Total	
						Mono-gamous	Poly-gynous		
1	2	3	4	5	6	7	8	9	10
1.	Sagada	212	224	436	26 (35.13)	35 (47.30)	13 (17.57)	74 (100)	5.9
2.	Relipadar	77	89	166	14 (48.28)	10 (34.48)	5 (17.24)	29	5.7
3.	Marakoi	12	22	34	4 (50.00)	3 (37.50)	1 (12.50)	8	4.3
4.	Dungdungar	47	57	104	11 (55.00)	9 (45.00)	-	20	5.2
5.	Gudurda	60	82	142	8 (38.10)	6 (28.57)	7 (33.33)	21	6.8
6.	Angra	88	92	180	11 (40.74)	12 (44.44)	4 (14.82)	27	6.7
7.	Kereba	98	125	223	22 (55.00)	13 (32.50)	5 (12.50)	40	6.8
8.	Allangda	70	69	139	7 (30.43)	14 (60.87)	2 (8.70)	23	6.0
Total		664 (46.63)	760 (53.37)	1424 (100)	103 (42.56)	102 (42.15)	37 (15.29)	242 (100)	5.9

As it is evident from table-1, the study was conducted in eight Lanjia Saora settlements coming under Sagada Gram Panchayat of Puttasingi area. Among these settlements Sagada is the largest village having a population of 436 persons constituting 74 families followed by Kereba (population-223 and 40 households), Angara (population-180 & 27 households) and smallest being Marakoi with 34 persons, comprising 8 families. The total population of the study villages is 1424 including 664 males (46.63 per cent) & 760 females (53.37 per cent) constituting 242 families. Thus the average family size comes to 5.9. Another remarkable feature is that females outnumber males which is a factor in favour of incidence of polygynous marriage and families.

As regards the types and forms of families, the extended families (57.44 per cent) outnumber the nuclear families (42.56 per cent). It is found during the study that Lanjia Saoras prefer to live in extended families in which dependent old parents stay with their married sons and unmarried children.

Kinship ties, emotional family bonds, economic ties, mutual love and affection keep them united. Daughters after their marriage leave their family of orientation and live with their husbands to start their own family of procreation. Grown up sons even after their marriage do not want to leave their old parents and set up their separate household units with their spouses and children. Reasons, such as lack of space in the parental house and quarrels among the wives of the brothers compel the married sons to build separate houses. These separate houses are preferably located very near the parental house, so that they can keep close relationship with the natal family and take up joint management of family assets and take care of dependent old parents, minor and unmarried brothers and sisters. Complete separation of kitchen and partition of father's property takes place after death of the parents. Even then, the responsibility of maintaining the unmarried and minor brothers and sisters and other dependent relatives are shared by the married sons and more specifically on the eldest son.

Case Study – I

In the village Marakoi lived one old man N. Dalbehera with his wife, two married sons, son's wives and two grandsons. It is a case of typical Lanjia Saora extended family. N. Dalbehera was previously an inhabitant of Reilpadar village where three years back a sudden outbreak of fire destroyed his house and forced him to shift to the new settlement site located in the village, Marakoi nearer to Reilpadar following some of his neighbours who were also the victims of the fire hazard. His youngest son had gone to Assam to work in tea plantations leaving his young wife and baby son with his old parents and elder brother who are staying together in their new house at Marakoi. At the time of study, the old couple was worried for non-receipt of any letter or remittance of money from him. At that time, the whole family i.e. N. Dalbehera's wife, his eldest son and two daughter-in-laws were busy for building a new house adjoining his house for his eldest son so that as per the existing custom, the youngest son after his return from Assam should stay with his wife, son and old parents in his father's house while his elder brother would live next door with his family in the new house. The reason for building a new house was lack of space inside the existing house to accommodate the families of two married sons. At the time of interview, N. Dalbehera the old man was out in the hills for grazing the cattle. His wife told that the whole family including his married sons, their wives and children are cultivating the lands jointly and sharing one kitchen commonly. This practice shall continue till her death and the death of her husband. There is no antagonism and ill-feeling among her daughter-in-laws who pull on with each other like two sisters. Thus, this family is an example of happy extended family. It is a close knit and well organized unit of kinship as well as economic cooperation based on common residence, common kitchen, common economic pursuits, rules of exogamy, emotional family ties and mutual help and cooperation. There is no hostility or aggression among the members as they are tied together by bonds of social and economic relationship and mutual help. Quarrels among brothers or father and sons for sharing family property are rare. Among the sons no one is considered superior to the others and all sons work

together in the fields of their father. Therefore, it is the cooperative system and not the process of ingratiation which forms the dominant technique of adjustment among the members of Saora family.

It is seen in Table-I that there are 37 cases (15.29 per cent) of polygynous families in the study villages. One of the reasons in favour of polygyny, as mentioned earlier appears to be the uneven sex-ratio i.e. presence of larger number of females than males in the study villages. Another important cause is the usefulness of Saora women as economic assets besides their role as home makers and bearer and nourishers of children. In Lanjia Saora society women are more hard-working than men and they constitute the major work force. By marrying more than one woman a man gets more working hands in shape of the women and the children they give birth to.

In Saora society, well-to-do men go for polygynous marriages as they have the means to support a large family. They have more lands for which they need more working hands.

Case Study – 2

L. Gomango, S/o late S. Gomango is the traditional village headman or the *Gomango* of Sagada village. Being the eldest son of ex- *Gomango* who was a very powerful Saora leader of Puttasingi area, L. Gomango has succeeded the post of village headman along with vast landed property and other economic assets from his illustrious father. Now he supports a large family comprising two wives, two sons, eight daughters, his widow mother and an unmarried sister. This polygynous and extended family provides a sizeable work force of ten persons excluding small children to manage the economic resources of the family. L. Gomango during interview stated that there was no jealousy and antagonism among co-wives and their children. They have been allotted separate huts and separate swidden plots and trees. But in the paddy lands, both the wives and their children work together with L. Gomango, his mother and sister. There is great deal of mutual understanding, love, affection and cooperation among the members of his family.

A Lanjia Saora family is a residential unit governed by customary rules of residence. As mentioned earlier a married couple may stay with husband's parents, married and unmarried brothers, unmarried sisters and other agnatic relatives constituting an extended family or they may stay in a separate residence which in most cases lies in one's father's village irrespective of the type of family. Another important rule is that a woman after her marriage leaves her parental residence to live with her husband in his father's locality. Rarely a married couple set up residence in another locality away from husband's parent's village. Even then, they maintain all socio-economic ties with husband's parental family and relatives and are entitled to their share of paternal property. Thus, a man living away from his parents' place retains his membership of his patrilineal kin group and after his death his dead-body or

bones are carried to his father's village for performance of purificatory rites by his kinsfolk. The above facts establish that the nature of residence of Lanjia Saora society is patrilocal.

Like other societies, family is the basic kinship unit in Lanjia Saora society. The family comprises the group of its members who are linked by consanguineal and affinal relationship and also by descent and collateral relationships. The Lanjia Saora traces their descent through male line and belongs to the descent line of the father. This kind of unilineal descent can be called patrilineal. The biological descent from father to son entitles the son to the jural descent by which he becomes the legal heir or successor of his father and inherits father's social status, rank property and liabilities. It is a mechanism to regulate inheritance of rank and property from generation to generation.

The nature of authority in the Lanjia Saora family is patriarchal. The powers of authority is vested with the father or the senior most male member of the family who is regarded as the head of the family and remains so till his death or disability. Although during his old age he may consider himself influential in decision-making process within the family, nevertheless the younger members respect his opinions and advices relating to issues concerning marriage, death and birth crises in the family. He is responsible for maintaining the family and representing it in all external affairs and particularly, village affairs. He controls the economic resources of the family. He is the owner of all the movable and immovable property of the family. He controls the common fund which all the earning members of the family have accumulated. He is required to perform rituals and ceremonies in respect of his family. He is responsible for keeping the family unit in tact by maintaining peace and order among the family members. Guardianship of children always rests with him. During his oldage, illness or disability, his authority and responsibilities are transferred to his eldest son or the nearest male kin. His property is formally partitioned among his sons or male heirs after his death.

The system of "father right" in Lanjia Saora society does not mean that women play "second fiddles". By virtue of their vital contribution in all spheres of socio-economic activities for the maintenance and continuance of the family they are treated as equal partners with males and enjoy a very influential position in the family. A married woman plays various important roles such as, the housewife, the sexual partner of her husband, the mother – the bearer and rearer of her children and a partner in economic activities. These roles give her certain rights and obligations for which her husband and other family members cannot ignore her opinion in family affairs. In fact the husband always gives importance to his wife's suggestions in all-important matters.

Each family has its own home and hearth. The family members also share a common kitchen. They take part in common economic pursuits and

contribute their lot for the maintenance of the family. In this sense a Lanjia Saora family is a cooperative unit where mutual cooperation as well as division of labour among the members are found in a well-organized form. Women attend all agricultural works except ploughing and climbing trees. They collect edible fruits, roots and firewood from the jungle, perform all domestic chores and take part in dance and song. They do not participate in certain activities like house thatching, hunting, conducting rituals and animal sacrifices, which are forbidden for them. Men attend to all outdoor activities, more particularly the strenuous works, while children help their parents according to their might.

Women are more labourious than men. A Saora girl is seasoned by hard outdoor work more than a boy of her age and is able to carry loads heavier than what a non-Saora adult is able to carry. The girls have muscular bodies and are capable of as much fieldwork as an adult male. By virtue of their substantial contribution they are indispensable to a family. Therefore, a Saora man sometimes marries more than one woman and a man without a wife leads a miserable life. Saora women enjoy a respectable position and often a higher social status than those of men in Saora society. Even the widows and barren women do not suffer from inferior social status.

Saora women know their duties, except those who are lazy by nature. They avoid domestic conflicts. The husband, for his part, does not interfere with his wife's organization of her duties. So long as she performs them she may do so in her own way. Moreover, it is difficult for a Saora man to ill-treat his wife because he is largely dependent on her. A Saora woman who readily accepts admonishment and correction for her faults would not submit to bullying but would go back to her parents or brothers leaving her husband without a cook, nurse, farm hand and house keeper and therefore unable to maintain his home. He may find it difficult to persuade her to return to him.

The Saora family is an economic unit. Its members maintain themselves and provide for their daily needs with their own enterprise and assistance from the kins and neighbours. None of the broader departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. However tasks which are normally performed by one sex may be performed by another in circumstances which render this necessary. Nevertheless there is a clear and complementary division of labour between men and women. Boys work mostly within the sphere of men's activities, the older boys performing many adult tasks. Girls have same duties as women to the extent their age permits.

In Saora family children are brought up with extreme care and fondness. They say that life is not worth-living without children. The Saora couples do not believe in birth control and want to have as many children as they can. The family functions as a school in which the child receives his/ her

first lessons to learn the Saora culture. The family assumes the responsibility for bringing up the children and imparting them the values, ideas, and techniques of their culture. In this sense, the Lanjia Saora family serves as an educational unit i.e. the primary institution of education for the children. In other words the family shoulders the responsibility of socializing the children.

The intense love and affection elders show towards the children in the Lanjia Saora society is exemplary. Very rarely parents admonish children for notoriety. Children are given best food available in the family and are served first. In ceremonial feasts children get equal share of food with elders. They assist their parents in all indoor and outdoor activities and thus acquire skill and proficiency in all vocations. Children are regarded as assets of the family.

The Saora family serves as the centre of child's social universe. In it he is reared, cared for, grows up and learns his culture. Sexual relations, reproduction and continuity of the society are focused in the family. As an economic corporation it owns property and functions as a production cum consumption unit based on mutual help and reciprocity.

Chapter-III

BIRINDA

The Lanjia Saora society is conspicuously characterised by the absence of kinship groupings, like exogamous totemistic clan, phratry and moiety. Family is their basic kinship unit. Beyond family, they have a powerful organization of unilineal descent group, called *Birinda* which is the most remarkable feature of their social organization. In Saora dialect the term *Birinda* is used to refer a family or a local community. According to Verrier Elwin (1955) it is a unit of "extended family descended from a common male ancestor". He further states that it "...is the fundamental division of Saora society. It consists of all the descendants of a common male ancestor, men and women of the same blood". In actual practice *Birinda* is an extension and association of families, the members of which are related to each other by virtue of their descent from a common male ancestor. In other words, it is an exclusive patrilineal descent group forming an agnatic lineage.

N. Das (1965) describes *Birinda* as "groups of extended families controlling marriage, inheritance and other social functions". Singh (1984), holds the view that, "the *Birinda* system of social organization points to earlier extended patrilineal band organization".

Birinda is not the same as clan or sib as there is no name, guardian angel or mythical ancestor, totem and totemic rites and taboos associated with it. Dead ancestors within living memory, not the supernatural beings are considered to be founders of *Birindas*. *Birinda* is indeed based upon the concept of patrilineage and discharges many functions, such as political, religious, economic and familial. All known persons related to each other by father's blood comprise a *Birinda*. Practically, the relationship to the common ancestor is traced back to two or three generations. Therefore, the *Birinda* and its membership is not a permanent feature for all time to come. In course of time with passage of generations, when the *Birinda* becomes too large and the common ancestor is forgotten after two or three generations, it splits into two or more *Birindas*. In the village Sagada there are seventy-four Lanjia Saora families grouped into eight *Birindas*.

Birinda regulates marriage, inheritance and succession, religious and social activities. As *Birinda* members share common blood ties for their descent from the common ancestors, marriage or sexual relationship among them is strictly prohibited because it amounts to incest. Violation of this incest taboo is a serious sin, which the Saoras call *ersi*. Commitment of this sin not only affects the living beings: it also angers the dead ancestors and supernaturals bringing

upon the whole society disastrous supernatural punishments. The offenders face strong public disapproval, social humiliation and ridicule. Either they run away to a distant place or they are ostracized from their village. The Saoras hate to talk about this sin. During the study not a single case of incest could be collected as the informants avoided the topic. But Elwin has mentioned about an old leper of Kankaraguda who confessed about his sexual relation with his father's sister once during his young age, which was incestuous. He believed that his long and painful suffering from this dreadful disease is a supernatural punishment for committing the sin of incest.

As the sin of committing incest brings misfortune not only upon the offenders but also their *Birinda* members and other co-villagers, the *Birinda* members conduct purificatory rituals with animal sacrifices to appease the angry supernatural powers. Therefore, before finalizing marriage proposals, *Birinda* elders on both the sides at first trace genealogies upto three generations to be sure that no *Birinda* ties exit. Any ties beyond three generations are ignored. *Birinda* exogamy is strictly practised; but there are few exceptions to this rule as observed by Das (1965). If a Saora man marries a girl while working in a distant place like Assam tea gardens or while working as a *goti* (bonded labour) in the girl's house, then "it is argued that the *Birinda* has already been cut off and no penalty is fixed for the breach".

Birinda, being the patrilineage, the membership is confined among the agnates only and is acquired by birth only. Even, women after their marriage retain the membership of their respective paternal *Birindas*. A married woman cannot be admitted into her husband's *Birinda*. Her own children belong to her husband's *Birinda* while her brother's children belong to her own *Birinda*. But cross-cousin marriage is occasionally permitted. Parallel-cousin marriage is not permissible as children of two brothers belong to one *Birinda*. It is also not permissible in case of children of two sisters, even though their husbands belong to different *Birindas*.

Turner (1967: 192-198) emphasizes that the term *Birinda* refers to two distinct kinds of groupings, such as a patrilineage and an extended family. Every *Birinda* is found within a single village. A woman after marriage does not change her own *Birinda* membership. A man has choice to live either with his father's or mother's *Birinda*, thus the residential rule is 'ambilateral' (as per Firth's definition). As cross-cousin marriage is forbidden, sister's children are 'honorary members' of the *Birinda*. The *Birinda* owns the terraced rice fields as permanent assets. Further, he states that the village has quarters or hamlets and each such hamlet has a *Birinda*, which has a core of patrilineal kin and a fringe of matrilineally attached kin, cognates and affines. Each *Birinda* has its special ritual autonomy, patrilineally succeeded hereditary funerary priests and priestesses, separate cremation grounds and separate cluster of stone memorials for the commemoration of dead and gone.

As a married woman continues to be a member of her father's *Birinda*, she shares ritual pollution and participates in purificatory rites if any one dies in her father's *Birinda*. In the event of her death, her *Birinda* may demand her dead body to be cremated in their village, not in her husband's village. "...but this usually only occurs when a man (husband) is very poor or in bad terms with his parents-in-law and the usual custom is for the body to be cremated in the husband's village and a *guar* ceremony to be performed there at husband's expense" (Elwin, 1955). Usually some of her ashes or bones after cremation of her dead body are brought by her agnates to be buried in her *Birinda*'s cremation ground by observing proper funerary rites. Then, her father or brother performs another *guar* ceremony and a menhir is erected admitting her to her natal family's cult of dead. This procedure is also observed for any member of the *Birinda* who died in a distant place.

In both the cases, sometimes after the death, the deceased's relations from the village of her/ his origin come with drums and trumpets accompanied by the *Sigmaran* (the priest for death rites) and *Idaimaran* (*Sigmaran*'s assistant) to fetch the bones and ashes. They sacrifice a fowl; collect the bones and ashes after offering wine and saying, "Come, join your own family group for you were born among us. We have come to take you home. Come dancing. We shall take you home dancing". Then the party returns to their village and rebury the bones in their cremation ground. They celebrate the occasion by drinking and dancing. After sometime the party pays a second visit to the place of death to fetch the deceased's shade (*kulbans*) when they are ready to perform the *guar* ceremony.

Case Study – 3

An old woman, the wife of A. Sabar of Dungdungar died. Her husband performed her funeral immediately and *guar* ceremony after three months. When the dead woman's brothers at Tarbel come to know about the death, they contributed a buffalo for her *guar* rites which one of them attended. Few days after, her brothers came in a procession with their *Sigmaran* and *Idaiboi* to fetch the bones and ashes followed by a second visit to fetch the soul to perform another *guar* ceremony at their own village Tarbel.

The *Birinda* manages the arrangements of the birth, marriage and death rites. The *Birinda* members participate in these rites not only as guests or visitors but it is also obligatory for them to contribute for their expenses. They bring with them food items, which they contribute to the common stock. As these ceremonies are quite elaborate and expensive, active participation and contribution of the *Birinda* brotherhood relieves the concerned family of the social and economic burdens in respect of the crisis to a great extent. Consequently the concerned family remains obliged to reciprocate the assistance provided by its *Birinda* brotherhood in similar occasions.

Conforming to Radcliffe-Brown's definition of descent; groups as corporations with own estates, the *Birinda* of Lanjia Saora also controls succession and inheritance of property. When some one dies without a heir to succeed him, the *Birinda* takes over the management of his properties and liabilities. The elders of the *Birinda* sit down to discuss the issue and appoint a member of their group to inherit the properties of the dead man. As per the rule of Saora kinship, preferably the nearest male kin of the dead man is selected for inheritance. It becomes obligatory for the inheritor to perform all the funerary rites (*guar* and *karja*) for the deceased. In Saora culture great importance is given to this *guar* ceremony because without the performance of the ceremony the soul of the deceased, cannot be admitted into the ranks of their dead ancestors in the underworld. Such a restless soul is believed to wonder between the lands of the dead and the living causing trouble not only for its own family members but also becomes a menace for the village community.

Elwin (1955) wrote, "Guar is a ceremony of utmost importance, it is the central rite, round which the entire elebroate fabric of Saora sacrifice is built. It is the means by which the shade is admitted to the company of the ancestral dead and given the freedom of the underworld. It is usually performed ... at any time from few weeks to several years after death ... the shade is hungry cold and naked and untouchable until the *guar* is performed and that it reveals its dissatisfaction by making members of it's family ill, by killing their cattle until they do their duty. The shades are infact a great nuisance at this time". He further said, "...in case of a man, the expense of the *guar* falls on whoever inherits the property. If the only surviving direct relative is a small boy or a girl, someone in the family (*Birinda*) performs the *guar* and adopts the child and takes charge of the property. The cost of the *guar* remains as a debt and when the child grows up and takes charge of his property, he will repay it".

Since the *Birinda*, as a socio-economic corporation, controls estates and handles the problems of inheritance and succession, there is no need for issueless couples to adopt a child from outside to become their heir. However, they can adopt a child who is a close kin belonging to their own *Birinda* with the approval of the *Birinda* elders. If they adopt anyone who is not a member of their *Birinda*, their *Birinda* members shall not allow him to inherit the property. Thus *Birinda* acts as an economic corporation, the membership of which is a security against the contingency of dying issueless. The *Birinda* reduces and settles a good deal of disputes over succession to the rank, social status and properties of the deceased.

The responsibility of fostering and guardianship of helpless minor orphan child also rests with the *Birinda*. This problem does not arise in extended families where close lineal or lateral kinds are available to take up this responsibility when a couple dies leaving helpless minor child or children. Otherwise, the *Birinda* appoints the foster parents and guardian for the child immediately after the death

of the last parent. Usually the nearest kinmen belonging to the *Birinda* who are willing to take charge are chosen for the purpose. Along with this responsibility, the Guardian also takes over the management of the properties left by the child's parents as a trustee. He cannot exploit or otherwise dispose off these properties for his own benefit but for the welfare of the child and his establishment, for performing the funerary rites for the child's parents and for repayment of his father's debts. He can do so with the approval of his *Birinda* brotherhood. The child after attaining majority and being able to look after himself and his properties goes back to his father's house and takes over the management of his father's establishment from his guardian. The girl child usually remains in custody of her guardian till her marriage, which is arranged by the guardian. The responsibility of fostering and guardianship is discharged by the *Birinda* brotherhood even though the child's parents have left no properties. In any case the foster child cannot inherit the properties of his/her guardian or foster parents unless the couple is issueless and willing to adopt the child as their successor with the approval of the *Birinda*. Thus *Birinda* corporation provides security for helpless orphans.

Birinda is a unique patrilineal organization of Saora society discharging social, political, economic and religious functions. *Birinda* members stand together at the time of crisis. Mutual exchange of help and labour called *ansir* at the time of need, like house construction, shifting cultivation; performance of rituals among the *Birinda* members is a remarkable feature of Saora social organization. By forging marital alliances with other *Birindas* they strengthen their support base. Disputes never arise for inheritance of traditional religious and political offices when the village headman (*Gomango*) or Priest (*Buyya*) dies as their respective *Birindas* handle the issue of succession by customary rules of primogeniture. The *Birinda* functions as a corporate group where all members stand in an equal footing.

The *Birinda* of the Lanjia Saora is an example that how a simple society, without clan organization, manages itself to discharge all social functions and social obligations. Das (1965) observes that they have "...devised the *Birinda* structure which practically functions in all respects as a clan in controlling social and psychological frontiers, but simultaneously cuts down multiple restrictions of totemism leaving a free hand to the Saoras to plan their social events. In its various aspects a *Birinda* is a loose association of its members, but simultaneously fosters a strong bond among them. In fact, *Birinda* structure enables the Saoras to lead a less complicated life . . . according to necessity and demands".

MARRIAGE

Marriage is a significant aspect of the Lanjia Saora culture. It confers upon the spouses the fullfledged adulthood and membership of their society. It provides the social sanction to a man and woman to live as husband and wife in accordance with the existing cutoms and usages and to discharge certain rights and duties. This lifelong companionship gives rise to economic cooperation, procreation of legitimate offsprings to perpetuate family and perform rituals to satisfy the ancestral spirits. An unmarried person is not entitled to perform the rituals.

Marriage Rules:

The Lanjia Saora society has laid down prescriptions, preferences and prohibitions for selection of mates for marriage. Though monogamous marriages are preponderant and common, polygynous marriages are not uncommon. The customary rules of the Saora allow a man to have more than one wife. It is a sign of prestige and prosperity on the part of a Saora to have more than one wife. It also implies expansion of swidden cultivation and greater accumulation of food grains. Very often a well-to-do Saora may build separate houses for each of his wives. Though the wives live in separate houses, they eat in one place and in one kitchen. The husband visits different wives in turn. Where separate houses are not built quarrels and competition among the co-wives occur. Thirty-seven cases of polygynous marriages among 242 families belonging to the study villages were reported during the field study. Various aspects of polygyny have been discussed in the previous Chapter with case studies.

The Saora do not observe village exogamy except where the village is inhabited by the members of one *Birinda*. In big villages having more than one *Birinda*, marriages are often arranged within the village among the boys and girls belonging to different *Birindas*. The rule of *Birinda* exogamy is strictly followed.

Cross-cousin marriages are occasionally permitted in their society because the Saoras are not quite fond of arranging marriages with mother's brother's daughter. The father's sister being a member of the same *Birinda* there is little scope for marriage with her children. Similarly parallel-cousin marriages between the children of two sisters married in different *Birindas* and between the children of two brothers belonging to the same *Birinda* are not permitted as per *Birinda* regulations:

Levirate and sororate types of marriages are allowed in the Saora society. Sororal polygyny is common. However, a widower can marry the sisters of his deceased wife. Practice of junior levirate takes the form of widow remarriage. A widow can remarry the younger brother of her deceased husband or any male member of her husband's *Birinda* who stands in relationship of a younger brother to her deceased husband provided there is no serious incompatibility and the partners are willing for this alliance.

Another interesting institution of widow remarriage found in Saora society is the marriage of a widow with one of her step sons. It appears to be an outcome of polygynous marriages. When a man having several wives dies, there may be young widows whom he had married in his late age. Similarly there may be grown up sons from senior wives. Since these grown up sons and their young widow stepmothers belong to different *Birindas* they may marry each other. This kind of marriage is called *Yayangkoi*. In this marriage a ritual is performed with buffa sacrifice to appease the spirits of the dead father and other family ancestors without which it is believed that the angry ancestors would punish the family. A feast is also given to the *Birinda* members and the fellow villagers and a small fee is paid to the village *Gomango* in order to get formal recognition in favour of this marriage. In these days, such kind of marriage is not preferred.

The reason behind the institution of remarriage of a widow with her deceased husband's younger brother or her step son is to keep the family's property within the family. The consent of the widow in this marriage is the deciding factor. She has the liberty to continue as a widow without any remarriage and enjoy the property of her deceased husband. After her death her grown up and married sons may share the property among themselves. Alternatively she can remarry someone else of her choice and in that case she cannot claim her maintenance from her deceased husband's property and her ex-husband's family shall claim the return of the bride price paid for her from her new husband.

Case Study – 4

J. Dalabehera, son of Late O. Dalabehera of village Marakoi has married the widow of his deceased elder brother died in his early age leaving behind the young widow with four sons. Now the widow has become older and her sons have grown up. But J. Dalabehera is in his early thirties and wants to marry another girl. Since he is already having an old wife, young girls are not willing to marry him.

Age at Marriage

Though there is no restriction for pre-pubescent marriages, post-pubescent marriages are more common. Boys and girls after attaining puberty are considered fit for marriage. In addition to that, the boy should be capable of

earning his livelihood and maintaining a family. Likewise the girl should be acquainted with all household works as well as agricultural activities. Inequality of the ages of the spouses is not considered very important.

Pre-Marital Sex

Pre-marital sexual relations though prohibited is not a very serious offence. If a girl prior to her marriage becomes pregnant and delivers a child, there is no social humiliation for the child and her mother, if it does not amount to incest. It is not difficult for arranging marriage for such a girl. The matter is brought before the traditional village council and the council asks the girl to name her lover. Her word of mouth is accepted as truth and the council asks the lover to marry the girl, if they do not belong to the same *Birinda* or pay the penalty. If it is not possible to marry (for both of them), the council finds another man of a different *Birinda*, who is willing to marry the girl on payment of a nominal bride price. The child in this case may go with the mother or be left with the girls' parents. However, the person who is responsible for the pregnancy normally marries the girl or pays a fine as fixed by the village council, which is spent for a feast and the girl is married to another man who is willing to accept her.

Extramarital relations or adultery of married persons are not common. It is regarded as a sin and is not permissible in their society.

Sexual relations between closely related kins, like parents and children, siblings and members of a *Birinda* are strictly prohibited in Saora society, because it amounts to violation of incest taboo. Such offences are considered very sinful and the whole community rises to take corrective action for fear of supernatural punishment.

Consent for Marriage:

Consent of the boy and the girl as well as their respective family members and *Birinda* members is a necessary precondition to finalise the matrimony. The deciding factor is the consent of the girl, without which the marriage cannot take place. A Saora girl cannot be forced to marry against her will. If she is forced to marry she may develop extramarital love affairs and elope with her lover deserting her legitimate husband and thereby bringing disgrace to her family as well as kith and kin. In this sense, Saora boys and girls enjoy full liberty in matters of selecting their mates. Their respective families and *Birindas* do not object any marital bond so long as their customary marriage norms and their social status are not affected. If the boy's parents do not approve the wedlock they refuse to accommodate the couple in their house.

Bride Price:

Like other tribal communities the institution of bride price is established in the Saora society in which a woman is considered as an invaluable

asset and her family and kinsmen has got to be compensated in shape of bride price for giving her up in marriage. Bride price is paid in all kinds of marriages except in case of marriage by service and remarriage of a widow to her deceased husband's younger brother or to one of her step sons as payment has already been made to the woman's family by the groom's family at the time of her first marriage. However, the amount and kind of bride price varies from place to place and according to the type of marriage and socio-economic status of both the families. Demand for bride price is made in cash or kind or both. The value of this customary payment varies from Rs.500/- to Rs.5000/-.

Ways of Acquiring Mates:

There are various ways of acquiring mates. The common types are marriage by negotiation, marriage by capture, marriage by elopement and marriage by service. Of all these types, marriage by arrangement is most common and held prestigious in their society. The arrangement is made by the parents and relations of the groom who take initiative in this matter. The negotiation is made between two parties having equal economic and social status.

Marriage by Negotiation (*Jing Jing Boi*):

Arranged marriage begins with informal talk in the sense that the parents of the boy while chit-chatting with their friends may hear of the beauty and suitability of a particular girl living in the same village or in another village. The father or an elderly person of the boy's family along with few relatives proceed to the girls' house taking a pot of wine with them. The father of the boy offers that pot of liquor to the girl's parents and puts forth the marriage proposal. The girls' parents then discuss about the proposal with their kinsmen. The opinion of the girl is also sought. If the match is approved, the pot of liquor brought by the boy's side is accepted and shared by the girl's guardians and *Birinda* members. In return, the girl's parents invite the boy's party to eat and drink in their house. Refusal to accept the liquor offered by boy's father and to provide hospitality to the guests by girl's parents is treated as their disapproval to the marriage proposal.

Visiting the girl's house continues for several times and every time one or more pots of liquor are carried. On one of such visit an arrow is given and the engagement is fixed. In another visit both the side finalise the matrimony, bride price and the wedding date. The boy's parents present the engagement ring, either gold or silver, accepting the girl as their would be daughter-in-law. The bride price is also finalized between both the parties and paid before the wedding day. In ordinary cases, it consist five manas of rice, Rs.500/- in cash and a saree for the girl's mother called *sindri*. The *Jani* of the boy's village advises a sacred date for marriage. *Jani* observes good omen in nature or meditates for sometime to find out the auspicious day, which is intimated to the girl's parents.

Then wedding arrangements take place on both the sides. The relatives are intimated. The *Barik* (the village messenger) is sent to invite the relatives. The *Barik* usually serves the well-to-do and aristocratic families. The relatives arrive one day before the wedding day with their contribution of cash and food grains.

On the marriage day, the groom requires three pieces of new white clothes, one for wearing and other one for tying a turban. These two pieces of clothes are soaked in turmeric water before use. The third piece of cloth is crossed on his chest. The groom himself, his father and the priest (*Idaimaran*) observe fasting till the marriage ritual is over. The groom with his father, *Jani* and villagers, proceed to the bride's house. The bride's family entertains them. Dance is organized with traditional costume and musical instruments in bride's village among the boys and girls of both the side. Then groom alongwith the bride accompanied by her companions come back to his village with a cloth knot tied between the bride and the groom. On arriving, the bride is kept in a separate room in groom's house. On an auspicious time fixed by the *Jani*, the bride is brought to the marriage altar inside the groom's house. Then the *Jani* performs the wedding rites. During the marriage day, dancing, drinking and feasting take place.

Marriage by Elopement (*Dung Dung Tak / Soling Jirji*):

Marriage by elopement is a kind of love marriage. Like other tribal communities, the Saora boys and girls enjoy great freedom in selecting their mates. If a Saora boy develops love affairs with a Saora girl and is unable to meet the expenses of bride price and formal wedding ceremony involving communal feast in an arranged marriage or their parents do not approve the union, he often elopes with the girl to another place.

Generally after elopement the boy and girl reside in a distant village or in the village where the boy's relatives are living. After six months or one year, the couple is called back to their village by the parents or guardians to perform their marriage ceremony according to their custom. In some cases after two or three years the boy and the girl come back to their own village and their family also accepts them by conducting a formal marriage ritual and hosting a feast to the villagers. The feast is regarded as a penalty. In some cases instead of the feast the boy's family gives some amount of cash as fine. This amount goes to the village fund.

Case Study – 5

In the village *Dungdungar S. Dalabehera* son of *C. Dalabehera* had love affairs with *A. Dalabehera*, daughter of *D. Dalabehera*. Their love affair came to the knowledge of their parents in due course. But the girl's father did not want his daughter to marry the boy, because the family of *S. Dalabehera* is very poor and have no landed property. On the other hand the girl's family is comparatively

well-to-do. Then S. Dalabehera and A. Dalabehera fled away to Arunachal Pradesh, worked there together and lived as husband and wife. Six months later they came back to their own village. Their respective natal families accepted them. They had to go through a very formal marriage ritual and pay Rs.200/- to the village fund as fine. Now they are living happily in the village Dungdungar.

Marriage by Service (*Lu Tap*):

In the Saora society marriage by service is more or less practised. This type of marriage occurs when a boy or his parents are unable to pay the bride price. In this type of marriage the boy instead of paying the bride price to the girl's family, serves in the bride's house for a period of two to four years. He does all types of works i.e. agricultural works, collection of fire-wood and other household works. During the period of service the boy stays in a separate room in the girl's house. But he lives there like one of their family members. After the stipulated service period is over the marriage ceremony takes place like the normal marriage and then the boy takes the bride to his own home.

Case Study – 6

D. Bhuya of village Tarbel is a poor young man. When he attained marriageable age his parents started marriage negotiations with S. Bhuya daughter of Late A. Bhuya in the same village. From the girl's side her maternal uncle B. Bhuya conducted the negotiations. It was decided that since D. Bhuya and his parents cannot pay the normal bride price, he would work in the field of the bride's family for a period of three years and after that the marriage would take place. The term of service contract expired during 1986, after which D. Bhuya married S. Bhuya in a formal marriage ceremony. Then he left the bride's house and moved to his parent's house with his new bride. Now they are living very happily.

Marriage by Capture (*Ding Ding Boi*):

In the past, marriage by capture had been fairly common in the Saora society. But now-a-days very few cases of capture are taking place because this practice is not considered very honourable. The Saora also believe that their dead ancestors do not appreciate this practice.

Case Study – 7

E. Dalabehera son of R. Dalabehera of the village Dungdungar had chosen G. Gomango the daughter of Gomango (headman) of village Alangada to become his wife. E. Dalabehera was financially not so sound to pay the amount of bride price charged in case of Gomango's daughter. So one day when G. Gomango was collecting firewood in the nearby jungle, E. Dalabehera with the help of his friends caught her hand and forcibly abducted her to his own house. When this matter came to the notice of the girl's family, her father

alongwith his relatives came to the boy's house and wanted to take back his daughter. But the girl was willing to marry E. Dalabehera. Then immediately the village council was called on and the matter was put before the headman of the village. At last the council comprising of the elders of both the villages and a few elderly persons of nearby villages decided that a certain amount of bride price, which was less than the normal amount, should be paid to the girl's family by the boy's family. Then the formal marriage ceremony took place with a communal feast recognizing the couple as husband and wife.

Divorce:

Divorce or dissolution of marriage is a simple affair in Lanjia Saora society. It is considered a personal affair between the concerned man and woman as well as their respective paternal families rather than a communal affair. Concerned *Birindas* and the traditional community authorities intervene when it leads to dispute and hostilities. According to Saora custom the marital bond is a sacred bond, which should be kept in tact till the death of one of the partners so that the ancestral spirits and deities are pleased. Any breach of trust between the spouses affecting their marital ties displeases the supernaturals. Even the bond does not dissolve automatically after the death of one of the spouses. After a man's death, his widow cannot remarry her ex-husband's younger brother or any of her grown up step sons or anybody else without performing the prescribed ritual meant to appease the spirit of the dead man and other ancestral spirits and to seek their permission to break the former wedlock for entering into the new wedlock. If the ritual is not performed, the ancestral spirits, especially the spirit of the deadman gets angry and takes revenge bringing disasters and sorrow to the widow and his new husband.

However, the Saora society permits divorce under certain pressing circumstances due to the unwillingness of either of the partners or both to continue as man and wife. Hence divorce may be affected unilaterally or by mutual consent of both the parties.

Common causes for seeking divorce by either of the partners are adultery or extra-marital affairs, maladjustment and misunderstanding, cruelty and ill treatment, desertion, physical and mental disabilities, incurable disease and sexual deficiencies. Because women are considered as assets to the family, a husband does not want to divorce his wife ordinarily. If the wife becomes recalcitrant, the husband tolerates her activities as long as she works for the family and her mischiefs do not exceed certain limits. But when a woman is caught in the act of adultery several times or she elopes with her lover deserting her legitimate husband, the former has no option except divorcing the wife. In such case, the former husband claims heavy compensation including a buffalo and a pig from the second husband of the woman. As per the Saora custom the former has the right to take away any animal or anything from the house of the latter whether it belongs to the latter or not and even kill the man if he denies or defaults in the payment of compensation claimed by the former.

Gomango who was a wealthy man paid for him and then as per the agreement R. Raika and S. Raika worked as bonded labour in the house of Gomango for six years to repay the debt.

After divorce the husband remains as the guardian of the grown up children whom he maintains. For their maintenance, the father may marry, again. In case of infant, the mother shoulders the responsibility. Both of them go back to her parent's house where they are maintained. No divorce is permissible when the wife is pregnant.

ADOPTION, FOSTERING AND GUARDIANSHIP OF MINORS

Adoption:

Instances of adoption of sons or daughters are rare in traditional Lanjia Saora society. In other communities issueless couples usually adopt a son or daughter to look after them in their old age, and continue their families and lineages as well as to inherit their properties and social status. Often, couples having children, adopt another child from outside when their own children either neglect them or are not capable of taking care of them and succeeding them because of their physical and mental handicaps. In the patriarchal Hindu society issueless couples prefer to adopt a male child because the male heir, besides looking after them and succeeding them can also perform an essential function of conducting the funerary rites and the annual *shradha* rites after their death, without which their souls shall not rest in peace. This essential and indispensable role of the male heir sometimes drives a Hindu couple without a male child to adopt a male child even though they have a number of female children.

Such need for adoption does not arise in Lanjia Saora society because as stated earlier, the concerned *Birinda* handles the problem of succession of issueless couples. When a man dies without an heir; his *Birinda* members sit down together to appoint a successor who inherits his property and liabilities and performs the customary death rites including the *guar* and *karja* rites. He also takes care of the dependent family members like, the old parents, unmarried sisters, sons and daughters and other relatives as the case may be left by the deceased.

The problem of succession does not arise in extended or polygynous families. In extended families, a brother or a brother's sons succeed a man who dies without having his own son. In case of an issueless dead in nuclear family, the *Birinda* acts as an extended family. *Birinda* members choose the person to succeed the deceased if no immediate lineal or lateral kin is available. Naturally the heir is picked up from among the *Birinda* members. The nearest male kin; like a brother or nephew is selected for the purpose. This is done to keep the landed property within the close kin group.

Issuelessness, which is the basic reason for adoption in other societies is rare in Lanjia Saora society because they permit polygyny, widow remarriage

and junior leviration. A man can take a number of wives if one wife is found barren. But if the man himself is impotent, his wife has the option to divorce him and remarry another man. In that case other women may not be willing to marry him and the impotent man has to find a successor. Similar situation also arises in case of a life-long bachelor, issueless, divorcee, widow and widower. But their *Birinda* always handles this problem and the nearest male kin is chosen to succeed the issueless man.

Fostering:

The problem of fostering a child arises when his/ her mother or both the parents die or not in a position to take care of him / her. In this case, the child is given to the nearest female relative, like the step-mother, father's brother's wife, mother's sister, elder brother's wife and the like for fostering. So in polygynous and extended Saora family this problem is easily solved, as a number of female relatives are available to foster the child. In other cases the father or the *Birinda* brotherhood (if both the parents are dead and there is no immediate female relative available) selects the woman or the foster parents to whom the child is given for fostering. The essential conditions for selection of foster mother or foster parents are that they should be willing and capable of taking care of the baby and should belong to the Saora community.

Sometimes, a Saora mother is incapable of taking care of her baby because of her physical or mental handicaps. In this situation the baby has to be handed over to a foster mother. The child remains under the custody of his/ her foster parents until he / she is grown up and may leave them for his/ her parents' home when he is able to take care of himself/herself. But he cannot become the legal heir and inheritor of the property and social status of his foster parents unless the foster parents are his nearest male kins, they are issueless, they are willing to adopt him as their successor and their *Birinda* approves this arrangement.

During his stay with the foster parents the child is treated with love and affection as a member of their family like their own children. Because of the emotional attachment with the foster parents and their family members during his childhood, the fostered child maintains close socio-economic ties with his foster parents during his lifetime even after he returns to the paternal home. Such attachment also drives both the parties i.e. the fostered person and his foster parents to take interest and initiative in the important affairs and crises of each other lives like marriage, death, etc.

No customary remuneration is paid to the foster parents by the parents or relatives of the fostered child for their services. But as an expression of good will, friendship and gratitude, the parents or relatives of the child sometimes send gifts and other contributions to the foster parents at the time of their need, crises, rituals and ceremonies.

Guardianship of Minors:

In every society there are orphan children born out of legitimate and illegitimate unions. There are also helpless children who are as good as orphans in the sense that even though either their parents are alive, they are unable to take care of their own children because of their social, physical or mental handicaps. In Saora society such unfortunate children are not only handed over to the nearest kins for fostering but the foster parents are also vested with the guardianship of the minor children. The role of *Birinda* brotherhood in selecting the foster parents as well as the guardians for orphans is vital.

The minors and persons deficient in mental capacity because of their incapacity to look after themselves need special protection and safeguards from an external agency till they attain majority or acquire necessary capacity to look after their own welfare. Till that time they not only need foster parents but legal guardians also.

When a Saora father dies leaving a minor child, the mother is regarded as the natural guardian of the child. If both the parents die leaving a minor child the nearest male kin i.e. the father's brother or elder brother belonging to the same family or the same *Birinda* assumes the guardianship of the child. The need for appointing a guardian does not arise in polygynous and extended Saora families since the step mother or father's father, father's brother or step brothers are available to take up the guardianship. When there is a need to appoint a guardian from the *Birinda* but outside a child's family, the *Birinda* members sit down to select the person immediately after the death of the child's parents. The incumbent (guardian) as per the Saora custom performs the death rites such as *guar* and *karja* and the expenses are met from the property and other assets left by the child's parents.

A Saora child is considered minor till he / she attains adulthood i.e. up to the age of 12/ 13 years. In actual practice the male child remains under the custody of the guardian till he becomes physically and mentally capable of looking after himself and of managing the property of his parents. A female child remains under the guardianship till her marriage. The guardian is responsible to manage the property of the child's parents and arranging his/ her marriage. He looks after the assets and the liabilities of the child's family. He cannot sell or otherwise dispose off the assets of the minor child except for the purpose of conducting the customary death rituals of the child's parents, marriage, education and other welfare activities of the child, repayment of the liabilities of the child's parents, and for proper management and security of the child's property. For all these purposes he has to seek the permission of the *Birinda* members as well as the village council. All his acts must be directed towards providing safeguard and protection to the minor and his assets. If he fails to discharge his responsibilities in this regard, he is removed from the guardianship by the *Birinda* brotherhood as well as the village council.

The Lanjia Saora do not have distinct concepts about adoption, fostering and guardianship of minor children. Their customs and traditions provides that the responsibility of raising orphans and helpless children lies with their patrilineal kins. As per the Saora custom the property of the child is enjoyed by the kins, who take up this responsibility. Even if there is no property left by the child's parents it is the duty of the kinsmen to look after the child. A case study is given below to illustrate this aspect.

Case Study – 9

J. Dalabehera, son of Late O. Dalabehera of Reilpadar became an orphan when his parents died during his childhood. Some well-to-do villagers who had given loan to O. Dalabehera during his lifetime took away his small landed property and other assets left by him. The unfortunate child become a helpless orphan and took shelter in the house of his cousin, P. Dalabehera, who is the eldest son of J. Dalabehera's father's elder brother. Though, P. Dalabehera's wife has two sons she had no objection for accepting J. Dalabehera, as she loved him very much like her own sons. Now J. Dalabehera is an adult and he continues to live with the extended family of P. Dalabehera and his two married sons and also works in the field of P. Dalabehera. P. Dalabehera and his wife are very much concerned about the marriage and welfare of J. Dalabehera more than their own sons. This is an example of adoption, fostering and guardianship of helpless minor children in Lanjia Saora society.

PROPERTY: INHERITANCE

Concept of Property:

Property does not mean only things or assets. Rather it is better understood in terms of relations between people and things. Hence to study the concept of property in Lanjia Saora society it is not very important to know about the title of an asset but to understand who holds what kind of rights over it. For example, in Lanjia Saora society individuals, households and lineages (*Birinda*) have specific rights over landed property. Since these rights are different and applied at different levels under different circumstances, generalizations about who owns what are almost always misleading.

Property has a conceptual meaning in their folk system for linking the system of material culture with the social system. Concept of property assumes a set of things and social relations. It establishes only one of the possible relationships of people to things and is also universal. Property is not wealth or possessions, but the right to control, to exploit, to use or to enjoy wealth or possessions. (Mac Iver: 1945).

Property includes everything corporeal or incorporeal over which a person establishes his/ her ownership. Corporeal property means tangible things like land, house, ornaments, etc. It may be of two types (i) Movable, (ii) Immovable. Incorporeal property is non-material or intangible in nature like song, music, magical spells, technical expertise, art, craft, etc.

In Lanjia Saora society much importance is attached to the corporeal property, which is regulated by the individual family and the patrilineally extended family called, *Birinda* according to their customary norms. Each family owns some movable and some immovable property. The movable properties are livestock, utensils, ornaments, implements, dress, furniture, food-grains and objects of arts and handicrafts etc. The immovable properties include arable lands, house site, house, trees etc.

Private Property & Public Property:

The Lanjia Saora knows the distinction between private property and public property. While the private property—both corporeal and incorporeal can be inherited or self-acquired, the public property is non-private, non-personal and meant for communal use which cannot be transferred or disposed of by any individual. The forest, streams, rivers, village shrine and the public service

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infrastructures, like schools, roads, bridges, wells, tube-wells, tanks, ponds, etc are regarded as public property. Everyone has right to use the public property freely without affecting the rights of other people. For example, the forest is a public property. Everyone has free access to collect firewood, fruits, roots and other minor forest produce from forests to meet their consumption needs. But the items collected from the forest become personal property of the collector because he acquires it by his personal endeavour.

As regards the private property, the pattern of inheritance and management is governed by the rules of kinship and descent. The corporate descent group, called *Birinda* effectively regulates inheritance of property and solves important practical problems in managing the relationship between people and their assets. It keeps property intact while distributing rights among its members and it maintains the continuity of rights across generations. For instance, the Saora custom provides that all the food items produced and collected by the working members of a family must be equally shared with non-working dependant members of the family, like children, old, sick and disabled persons who cannot support themselves.

Inheritance:

Inheritance refers to transmission of property and social status from one individual to another and from one generation to another. Similarly succession denotes the process, order, act and rights of descent or transmission of office, title, property and the like from the owner to his/ her heir or heiress according to the established law or custom. "The notions of inheritance and succession presuppose the notions of possessory rights and the right of passing on an office by an incumbent to another after vacation of the predecessor caused by death, disability or lapse of tenure. Transmission of the property and offices is governed by certain rules and procedures which, in their turn takes shape in tune with the traditional norms and practices as well as the socio-cultural ethos of the group concerned". (Goswami: 1979). In this sense property may be of two types – (i) Property, inherited and (ii) Property, self-acquired.

Rules of inheritance reflect the total ideology of Lanjia Saora society. While both male and female members contribute for acquisition and management of properties, only one sex enjoys the rights of inheritance and ownership of properties according to the existing customary rules and procedures reflecting the socio-cultural ethos of the social group. Since the Lanjia Saora society is patrilineal, patriarchal and patrilocal in nature, the property and offices are inherited along the male line.

Women and Property:

Since inheritance goes along the male line, women are deprived of this benefit. By virtue of their substantial economic contribution to the family they

themselves are regarded as living assets to the families of their parents as well as to the families of their husbands. The institution of bride-price justifies their value as assets because; the husband pays the price to the bride's parents for acquiring the asset. After marriage women are regarded as the property of their husbands to the extent that adultery on their part is punished not so much on moral grounds but for the infringements on their husband's exclusive property rights. The real evil of adultery as the Saora says is the tampering with other man's property. Their word for adultery is *jumburtun* which means *stolen coitus*. A loose woman is called *junjuriboi* i.e. a thief.

When a married Saora woman, even if she is a widow, elopes with her lover, her husband and/ or his patrilineal kins demand heavy compensation from her lover in lieu of loss of the asset. The asset value of Saora woman is further corroborated by the prevalence of the institution of widow remarriage in forms of sororate, junior levirate and remarriage of a widow with her step son. Once the bride price has been paid to acquire a woman she becomes the property of her husband's family. When she becomes a widow she is not let to go outside which is a loss to the husband's family. Therefore, she is encouraged to marry her husband's younger brother so that the woman being an asset shall remain in the family or *Birinda* of her husband. Similarly, the cause for sororate marriage is that when a married woman dies, her parents have no objection to marry one of their younger unmarried daughters to the husband of their deceased elder daughter because the man has already paid the bride-price to them and it is their obligation to provide another woman to him.

Though Saora women do not inherit property, they can acquire rights over certain movable and immovable assets to a limited extent by virtue of their marriage, personal endeavour and by way of receiving gifts and compliments. In a polygynous well-to-do family each wife is provided with a piece of swidden, fruit bearing trees, a separate hut and livestock, such as cattle, pigs, goats, fowls etc., which remain under her exclusive possession and management till her death or remarriage outside her husband's *Birinda* and even after her husband's death. These are inherited by her son or step sons (if she is issueless) or her nearest male kins from her husband's *Birinda* after her death. If she leaves her husband's family and elopes with her lover or stays with her paternal relatives she automatically loses her claims on her possessions in her husband's establishment.

The paternal house, paddy fields (*saroba*) and the produce thereof belong to the husband though all wives work together with the husband, children and other family members in the paddy fields (*saroba*) and for the maintenance of husband's house and other assets. But the produce of the swidden plots, of the trees in the swidden plots, of the kitchen garden of the house and of the livestock allotted to each wife, the minor forest produce and firewood and the wages earned by her are her property which she can utilize in any manner as she likes.

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In many polygynous families, wives stay in separate huts with their separate swidden plots, livestock etc. but share a common kitchen for which they contribute their parts out of their own earnings. They also help their husband in terms of cash and kind at the time of need.

When Saora women commonly work to procure produce from the common family property, such as land and livestock, they contribute a portion to the common family fund and the rest they keep with themselves to accumulate their own personal funds. There are also instances of unmarried and married women in many Saora villages commonly cultivating a patch of fallow land in the village area and keeping the produce in a common fund or distributing the yields equally among themselves to augment their personal funds. Their personal funds are spent mostly for purchasing clothes; ornaments, cosmetics and other fancy objects from local hats and fairs. They also help their family and friends out of their funds at the time of need. Whatever assets women acquire by their own personal endeavour are their property. Of course, because of mutual love and inter-dependence, the woman is more often obliged to consult her husband and obtain his approval for any major disposal of her personal funds and assets.

Though husband is the owner of family property, it is the women in the family who virtually control the family purse. More often at the time of need, a Saora man takes a loan from his wife or sisters which he is liable to repay with or without interest.

The gifts of ornaments, clothing, implements, utensils, livestock, cash and other objects received by a Saora woman from her parents, husband, father-in-law, mother-in-law and other relatives from both the sides during and after marriage remain under her possession. She may gift these items to her daughters, daughter-in-laws or her sons. As per the Saora custom, daughters and grand daughters have more right to claim the personal assets of their mother or grandmother than daughter-in-laws. There is a Saora custom that a daughter-in-law shall not wear any ornaments she has received as gift from her mother-in-law until she herself becomes a mother. It is a matter of shame and public ridicule to wear such ornaments before attaining motherhood. Though husbands, sons or grandsons have some right to claim these assets, only after her death they can acquire the assets by way of inheritance if she has no daughters or does not want to give her assets to her daughters, grand daughters or daughter-in-laws.

When a new Saora bride begins to attend the household works in her husband's house, her mother-in-law says, "from this day this house belongs to you, this will be your home, the pots and pestles are yours, the gods and the deads are yours, the seeds of rice and millet, pulse and beans are also yours, we are old and incapable. Please feed and take care of us". This attitude

indicates the fact that, though Saora men are customary owner and inheritor of properties, it is women behind the screen who play a decisive role in respect of control and management of family's assets.

Saora custom provides that women cannot inherit the family property of their father, brother, husband or in-laws. But after death of a man his widow can take over the management of his property till her minor sons, stepsons or legal heirs attain adulthood or majority and till she does not remarry. During this period, she cannot sell or otherwise dispose off her husband's properties except for the purpose of repayment of old debts, maintenance, education, treatment of diseases, and performance of essential socio-religious rituals, like *guar*, and *karja* ceremonies, marriage ceremonies and security and welfare of the family. In such cases she is bound to obtain the approval of her husband's paternal kins.

If the widow remarries the younger brother of her husband, or any other male member of her husband's *Birinda*, her new husband inherits the property of her deceased husband provided she has no sons from her ex-husband who are considered legal heirs to the property left by their deceased father. In case the widow leaves her ex-husband's house by remarrying a male person not belonging to her ex-husband's *Birinda*, she forfeits her claims to her husband's property. If she is issueless and chooses to continue as a widow in her husband's house, her maintenance is borne by her in-laws or any patrilineal kin of her husband who is chosen to inherit her husband's property. She cannot claim such maintenance if she stays with her own parents, brothers or any other paternal relatives. Even if her husband left no property or little property which was quite inadequate for her maintenance, her husband's parents, brothers and her stepsons are under customary obligations to contribute mutually for the maintenance of the old widow and her minor children. This kind of mutually sharing of common liabilities and responsibilities gave them strength to face boldly the crises of life and socio-economic hardships.

Inheritance of Property along Male line:

As stated earlier, the property of a Saora family is inherited along the male line. Ordinarily the partition of the family's corporeal properties among the sons or heirs is not made during the lifetime of the father who is head of the family as well as owner of the family property. The sons or heirs may be married and live with their parents in an extended family or polygynous family or they may live with their spouses and children in separate residences but, they work commonly in their father's fields, jointly manage the family's assets and do not claim individual possession of their due share of the family property as long as the father or head of the family is alive.

A conscientious Saora father may divide his property among his sons or heirs during his lifetime after keeping a share for himself and his wife and the

old couple derive their maintenance from this share as long as they remain alive. After their death, this share is again equally divided among sons or heirs. Alternatively if the old couple is not capable of sustaining themselves or they are physically and emotionally dependent on one of their sons or heirs they may give their share to that son and live under his care and protection. In Saora society it is seen that usually the young son who remains more emotionally attached to the old parents, supports them. When the youngest son is minor and unmarried, the interdependence and emotional ties between him and his parents are more intense. So while his brothers live separately he lives with his parents and enjoys the parent's share of family property along with his own share as long as his parents are alive. Because of their close relationship and interdependence, parents may give him all or a major share of their personal movable properties, like clothes, ornaments, implements, money and other articles, the equal share of which cannot be claimed by other sons or heirs as a matter of right.

As per the Saora custom, the youngest son inherits the paternal house and those household articles which are personally occupied by the parent's soon after death of his parents. But the share of family property enjoyed by the youngest son or any other son/ heir on whom the parents were dependent till their death does not remain under his possession but is equally shared by all sons/ heirs after the death of parents. However, the parental house is inherited by the youngest son whether his old parents stay with or depend on him or not.

If the parents distribute the entire family property among their sons/ heirs without keeping a separate share for themselves, then it becomes the obligation of all these sons / heirs to jointly contribute for the maintenance and care of the parents. In case the parents keep their share but do not want to stay with any of their sons and prefer to live separately, then also it becomes the duty of the sons/ heirs to cultivate and manage the parent's share of property and look after them when the parents are unable to work during their old age and sickness. The Saora custom also provides that even if the parents have no property to give to their sons/ heirs, then also the sons are obliged to take care of them during their old age.

Common family property is equally shared by the sons/ heirs except the parental house which is inherited by the youngest son indicating the law of ultimogeniture. However, parents can exercise their discretion in respect of division of their self-acquired personal movable properties in favour of one or more male and / or female heir according to their will and pleasure. But all the immovable properties whether common family property or parent's self acquired personal property are equally shared among the male heirs.

Order of Succession:

As per the customary norms of inheritance of private property in Lanjia Saora community, sons inherit father's property. In the absence of sons,

grandsons become the rightful heir. If there are no lineal kins, like sons and grandsons, the right of inheritance passes to the lateral agnatic kins, like brother / brother's son / brother's grandson. Then it passes to the owner's father's brother's son / grandson/ great grandson. In the absence of these lineal and lateral agnatic kins, the inheritance is claimed by the nearest agnatic male kin of the owner's *Birinda* who stands in a relationship of a cousin brother/ brother's son/ grandson. But in this case the *Birinda* brotherhood holds a formal meeting to select the successor immediately after death of the man who dies leaving no heir. As stated earlier, the selected successor shoulders the responsibilities of performing all socio-religious rituals and taking over all the socio-economic liabilities of the predecessor along with his assets. This kind of succession also needs formal approval of the village community through its traditional council and chiefs.

Property Rights:

The father being the head of the family has special powers to dispose off the family property for the welfare of the family. No other member is authorized to contract any debt, sell or pledge the family property except under certain circumstances when the father is disabled, either physically or mentally. As a rule any kind of transaction in respect of a family property is the exclusive privilege of the head of the family.

Property inherited by a person from any other relative, like collateral brother or paternal uncle is taken as his personal self-acquired property. Of course his male heirs can claim inheritance of this property.

Partition of Property:

As stated earlier, the partition of family property among sons/ heirs rarely takes place during father's lifetime. However, at times, the father or the head of the family is compelled to divide the property among the sons when the sons get married and because their wives quarrel among themselves within the extended family and they want to set up their separate individual household establishments. It may so happen that out of several sons one or some of the sons may not be willing to live in the common paternal residence. In that case the father allots them their due share of ancestral property so that they can set up their separate establishments.

Father's property is equally shared among the sons after father's death. In case of any dispute the traditional village council under the chairmanship of village Chief; *Gomango* is approached for a decision.

At the time of partition a share of property is always kept for the child, even if it is in mother's womb. If a son is born he inherits that share. In case of girl child, the share shall be temporarily given to the father, mother, brother or any other relative who will take care of the girl child and arrange her marriage.

If any portion of the property is left after meeting the expenses of maintenance and marriage of the girl child, it is equally shared by brothers.

If there is no property share left for the unborn child or if the child is born long after the partition of property, his / her brothers or kins who are inheritor of the child's father's property jointly contribute for the maintenance and marriage of the child till he attains adulthood. Then the brothers or kins contribute portions from their individual shares of the family property to the adult person, amounting to his rightful equal share of family property. If he is a male, he cannot be deprived of his due share as per the Saora custom.

PROPERTY: TRANSACTIONS

The economic system of the Lanjia Saora provides that private properties, both movable and immovable, like land, house, livestock, household assets, ornaments, plants and trees, etc. carry some value according to their usefulness and economic utility. As such, these items can be sold or gifted by transferring the ownership rights from one person to another or can be pledged as securities in return of some social, religious or economic gains in terms of cash or kind at the time of need. Hence, in Lanjia Saora society, private property not only provides livelihood but also provides socio-economic status and security to its owner.

The Lanjia Saora society is a rank society characterized by a socio-economic disparity among people. The well-to-do section comprises the traditional secular and sacerdotal leaders, such as *Gomango* – the village chief, *Mandal* and *Dalbehera* – the chief's subordinates, *Buya* and *Karji* – the priests. They are called in various other names in different localities, like *Dora*, *Naiko*, *Jani* and the word *Gomango* also means rich and important. The *Gomangos* and *Buyas* are not only the wealthiest persons in their respective localities but also they were recognized in the past by Government as well as the then regional feudal rulers and used to receive an official headgear which was a great prize and symbol of prestige. The well-to-do families of these traditional leaders who constitute the 'Saora aristocracy' live in separate *sahis* or wards in the villages, named as *Gomango Sahi*, *Karji Sahi*, *Dalbehera Sahi*, *Buya Sahi* or after the names of the important ancestral leaders whose descendants live in those wards. They own the bulk of the private properties in the villages and prefer to forge marital ties with the families of equivalent socio-economic status in order to preserve and enhance their socio-economic positions.

Below them are the common people, generally called by the term *Paroja* or *Rayat*, meaning peasants. Most of them are poor and do not have enough property to sustain themselves. Hence, they work for the well-to-do families to earn their livelihood and to repay the debts.

Land:

The Lanjia Saora thrive on a subsistence economy founded on land and forest. Traditionally they were hunters, food gatherers from forest and shifting cultivators. Since generations, they have been "...living in hill slopes and

mountain terrains..." and "...deriving nourishment from the resource bases of the hills and forests in multiple of such ways satiating small needs and making a bare minimum living. ... Up until the time the hilltops and hill slopes were having verdant forest growth, the Saora were exploiting the hills and swiddens with mirth and furry. Swidden cultivation was their way of life. ... With the depletion of forest growth and the underwoods, swidden cultivation did not pay dividends and the Saora started preparing terraced fields by stone bunding method in an ingenious way" (Nayak, 1992: 36).

Land is a valuable and permanent asset for the Lanjia Saoras who derive their subsistence from a land-based agroforest economy. Each Saora village has its own territorial boundaries marked by natural streams, hillocks, trees, rocks, etc. All the natural and man-made assets, like streams, ponds, hills, forests, lands, roads, bridges, houses, etc. belong to the concerned village and its members as public and personal properties as the case may be. Neighbouring villagers recognize the territorial boundaries. Trespassing is extremely rare as it is considered as a serious offence leading to disputes and violent retributions. There are many instances recorded in Government records about organized and isolated Saora aggressions in the past against denial of their age old rights for exploitation of forests lying within their village boundaries declared as reserve forests. However, their social organization has evolved appropriate customary provisions, ways and means to settle inter-village, intra-village and interpersonal disputes relating to land and boundaries through the traditional village council and inter-village council.

Agriculture is the mainstay of the Lanjia Saora subsistence economy. Their economic life primarily rests on both shifting and settled cultivation. In recent times settled cultivation has taken precedence over shifting cultivation – the traditional mode of their subsistence which no longer remained profitable under the cumulative impact of deforestation, ecological imbalance and decline of land / man ratio due to pressure of growing population. Since cultivable land is in short supply in their area for undulating nature of the hilly terrain and population growth, they have tried to find an answer to this problem by mastering the art of preparing and cultivating terraced paddy fields on the lower hill slopes and bottoms. Yet, they still have to continue with shifting cultivation to supplement their earnings from settled (terrace) cultivation, forest collection, wage earning, and other economic pursuits. They exhibit a high degree of indigenous skill, ingenuity and technological outfit for preparing the terraces with inbuilt water management system. Mainly they grow rice in terraced fields and a variety of minor millets, cereals, and pulses in the swiddens.

There are four categories of lands in which the Saora pursue their agricultural activities. These are (i) Swidden or shifting cultivation sites on hill tops or hill slopes called *baru*, (ii) Terraced wet lands running from the hill slopes to the valley bottom for paddy cultivation, called *saroba*, (iii) Undulating

dry lands along the foot hills, called *baseng* and (iv) Kitchen garden around the house, called *kutta*. The *baseng* and *bagado* are meant for growing a variety of cereals, pulses, oilseeds and vegetables.

Kutta (kitchen garden)

The carefully fenced and well-manured kitchen gardens found around Saora houses are treated as prized possessions. They grow maize, pumpkin, cucumber, tobacco, chillies, ginger, brinjal, gourd, beans, papaya, banana, lemon, orange, etc. which they use for domestic consumption and the surplus is sold in the weekly markets.

Saroba (terraced paddy fields)

The Lanjia Saora of Parlakhemundi and Gunupur areas are the best terrace cultivators. Their terraces are works of great engineering skill and ingenuity comparable to those of the Apa Tanis of Arunachal Pradesh. The terraced fields from the lowest level of the valley bottom along the lines of natural drainage radiating in all directions, rising up to many hundred feet along the hill slopes and sometimes right up to the hill tops presenting an enchanting natural landscape. The drop from terrace to terrace may be as deep as fifteen feet. Yet, so carefully the stone bundings are built up and so flat are the platforms that no soil is carried over by the water that trickles from top level to bottom level. The water management is equally skillful. It is so efficient that there is no ever flooding. The terraced fields in which water flows throughout the year are locally called *saroba* and are exclusively meant for paddy cultivation. If suitable it is cultivated twice in a year. The high and dry upper terraces are called *jyanum* and are used for growing ragi, black-gram and horse-gram.

The terraced fields are privately owned and are treated as prestigious possessions. These are inherited from fathers to sons and can be sold or mortgaged at the time of need.

Baru/ Bagad/ Dongar (swidden)

Shifting cultivation is an archaic agricultural system in which forests are cleared by felling trees and subsequent burning and are cropped discontinuously by employing a fallow period larger than the period of cropping. The salient characteristic features of shifting cultivation are (i) rotation of plots (ii) slash and burn of vegetation before cropping (iii) use of family and cooperative labour as chief input (iv) application of crude technology by use of simple implements such as hoe, digging stick, knife, axe, sickle etc (v) non-use of modern agricultural technology and draught animals (vi) abandoning the site for a couple of years for regeneration.

It is a well-known fact that the folks i.e., mostly tribals, dwelling in the interior mountainous forest tracts, resort to this archaic mode of cultivation,

where enough plain lands are not available for settled cultivation. They continue with the practice, as they have no other alternative. "Not withstanding the meager yield...the most remarkable feature of this mode of cultivation is that almost all varieties of cereals, pulses, millets, oil seeds and vegetables are grown in one plot which is well nigh impossible in the plain wet land cultivation" (Behura, 1990:2). These folks who struggle hard to survive "...without any assets other than their own labour have found a natural answer in shifting cultivation to the physiographical characteristics of land from which they have to eke out their precarious livelihood." (Chandrasekharan, 1983:20).

The existence of this primitive agriculture since the hoary past is a proof of its deep impact on the tribals' mind and psychology. It's continuation across generations since time immemorial has made it a way of life for them. "It has undoubtedly evolved as a reflex to the physiographical character of their habitat. People who lack emic perspective condemn it as pernicious and detrimental to ecosystem. In common prevalence it has acquired disparaging connotations. Nevertheless, it is a type of farming technology based on specific adaptation to forest and hilly environments" (Behura, 1990:2).

So long as the land man ratio remained favourable, this practice did not pose so much of a problem. However with the growth of population over period of time, the equilibrium between the people and forest area has been disturbed. This has effected the reduction of fallow period in between two cropping cycles leading to rapid depletion of soil fertility and permanent damage to land, which again led to extension of its coverage to larger tracts of forestland. As such it does not help the tribals to get a good return and therefore, to attain a standard of life beyond the subsistence level. Studies made by T.H.R.T.I, among tribes practising shifting cultivation including the Lanjia Saora, show that this practice is uneconomic as the requirement of seed and labour is high and the returns are low as compared to the settled cultivation in plain lands.

Traditionally for the Lanjia Saora, swidden cultivation has been devised and adopted by them as one of the main mode of living. They grow a variety of crops in their swidden fields, which they generally call *bagado* with the help of a small number of implements. "... the methods employed being crude, the process being labour intensive, and the productivity being low... swidden cultivation was their way of life. Establishing small settlements nearer to the swidden fields was the practice; and moving the settlement site alongside moving into virgin swidden plots was the norm..." (Nayak, 1992: 36). Now the Saora have learnt in a hard way that this ageold mode of subsistence would no longer sustain their growing population. While they are trying to reduce their dependence on this less productive enterprise and looking for alternative sources of livelihood, they are yet to abandon the practice altogether.

Almost all Lanjia Saora families living in the hill areas have patches of swiddens in the hill slopes or hill tops in which they grow minor millets and pulses. These sites are called in different names, such as *baru*, *bagad* and *dongar* in different localities. They call shifting cultivation as *bagad chasa*. The term *baru* in Saora dialect means the hill.

For shifting cultivation a hill slope is divided into several plots, demarcated and distributed for cultivation. The farmer who has been cultivating a particular plot of land continues to own it as long as he is capable of cultivating it. When he fails to do so, the plot is allotted to some one else who has needs. In no case are the plots left fallow nor is a plot already owned by one capable of cultivating it, allotted to anyone else. Thus, individual ownership of the swidden plots is recognized on a hereditary basis.

The variety of crops grown in the swidden are cereals like *kangu* (panickm), *gappa*, *ghantia suan*, *ragi*, *jana*, *gangoi* (a kind of millet), maize; pulses like *kandul* (*Solichos catjang*) *jhudung*, pea, *bargudi*, black gram, horsegram, greengram; oil seeds like til, castor, mustard; spices like turmeric, ginger, cinnamor, chilies; and vegetables like pumpkin, cucumber, *kankad*, *ghiagerda*, *maragudi*, *gadagai* etc.

They also grow turmeric as a cash crop in swiddens and paddy in terraced lands, as a crop that is used more for clearing debts and for cash needs than for food. With the simplest implements such as a hoe and a small axe, they are able to raise crops to maintain their families. Their success in agriculture depends upon their extensive knowledge of the crops suitable for cultivation on the hill-slopes, upon the geographic conditions of the locality, and last but not the least, upon hard work with a team spirit.

The Lanjia Saora carry on shifting cultivatin in the hills located within their respective village boundaries. Some hills are close to the village and others lie at a distance often upto several kilometers. Traditionally the hills having shifting cultivation sites were under the management of the *Birindas* of the village. The sites have been distributed among the members of the concerned *Birinda* in consultation with the *Birinda* elders. For this purpose the size, work capacity and need of the member family are taken into consideration. The division is always made by demarcating strips running up and down the hill but never across it. No one outside the *Birinda* is allowed to cultivate the swiddens located in a hill belonging to a particular *Birinda*. An individual who has been cultivating a particular plot continues to own it as long as he is capable of cultivating it. The right of ownership of a site cultivated by an individual remains intact even if he shifts to another site leaving the former site to recuperate. If a widow is left without sons to support her, her late husband's *Birinda* members as well as the villagers cooperate to cultivate the swiddens left by her husband.

Although, the Saora have no legal rights in support of their ownership of swidden lands, they treat them as their private properties, which like terraced fields are bought and sold, mortgaged and inherited from father to son. If a man has enough swidden plots more than his actual requirement, he shares it with someone and takes a share of the produce. The Lanjia Saoras are proud of possessing their lands and vigorously defend their rights against any kind of trespassing and encroachment. The swidden lands with its timber, fruit plants, game animals, agriculture and other produces are their personal treasure, as dear as life to them.

All the categories of lands described above including the homestead land with kitchen garden, houses, trees, ponds, bunds, irrigation channels, wells, standing crops and produces are treated as private property of the owner which can be inherited, leased, mortgaged or sold by the holder to another. But no rights can be given simultaneously to others for using the same plot of land. It is interesting to note that the Saora customary law does not allow its holder to give his land as gift to another person.

Mortgage and Debt:

The practice of mortgage of certain movable and immovable properties is very much prevalent in Lanjia Saora society. By way of mortgage the interest of a specific asset is transferred as a security from the owner to another person against payment of loan liabilities. Generally the assets, like utensils, fruit-bearing trees, *Salap* trees, standing crops, gold ornaments and landed property are mortgaged to secure loan or against repayment of old debts. The mortgagee remains in possession of the asset till the mortgager repays the loan amount. But legally the mortgager continues to be the owner of the asset.

The system of mortgage is called *banda* by the Lanjia Saora. As per the traditional procedure a *banda* is executed between both the parties by verbal agreement in presence of some village leaders, especially the *Gomango*, *Mandal*, *Dalabehera*, *Karji*, *Buya* and their assistants and important village elders as witnesses. Since in these days the importance of the traditional leaders has declined due to lack of official recognition, modern leaders like Sarpanch, Naib Sarpanch and Ward Members are preferred as witnesses in such cases. Introduction of written agreements in plain paper has also been made in some cases in present times.

Mortgages are made to secure loan in terms of cash and / or kinds at the time of need. In Saora culture, the need for money and materials generally arises at the time of performing socio-religious rituals and ceremonies including the *guar* and *karja* ceremonies, marriage and payment of bride price and rituals to get relief from diseases and other calamities which are quite expensive. Debts may also be incurred for the purpose of domestic consumption during draught and shortage of food in lean seasons, for medical treatment of diseases,

for purchase of agricultural inputs and implements including bullocks and for many other expenses when such need arises.

Terraced paddy lands (*saroba*) are generally preferred as the article of mortgage which fetches the highest value as compared to other kinds of lands. When the mortgager has no paddy lands, the swidden plots (*baru*), dry lands (*baseng*) or even the kitchen garden (*kutta*) are pledged as securities. The order of preference in respect of various categories of lands for this purpose begins with *saroba* followed by *kutta*, *baru* and ends with *baseng* which is the last preference, then comes fruit bearing plants like mango, jack fruit, *mohul*, tamarind, guava, orange, lemon, pineapple, etc. and also the most precious *Salap* tree. Standing crops are mortgaged for meeting urgent needs. Brass and bell utensils and gold ornaments are mortgaged for small short term loans.

When fixed assets, such as land and trees are mortgaged no interest is charged on the loan amount because the mortgagee keeps the assets with him and enjoys their produces towards the interest till the debt is repaid. But in case of mortgage of utensils and ornaments to secure loan, interest is charged over the principal amount. If the mortgager fails to repay the loan within stipulated time the mortgagee can't sell lease or otherwise dispose off the fixed assets, i.e., land and trees to get back his money but continues to hold possession till liquidation of the debt. In many cases it is seen that such possession continues for generations while the liability of the mortgager passes to his successors. In case of movable assets, like utensils and ornaments the mortgagee has right to sell the articles to get back the amount if the mortgager defaults payment in time. As regards the mortgage of standing crops the mortgager takes the yield but no interest is charged in this case.

Case Study – II

D. Sabara of village Alangada had taken Rupees two hundred only from J. Dalabehera of Sagada by giving five plots of *saroba* land as mortgage. The agreement was made in the presence of the *Gomango*. According to the agreement, J. Dalabehera will take the harvest of the mortgaged land as interest till D. Sabara repays the loan amount of Rs.200/-. Accordingly J. Dalabehera takes the harvest each year. In course of time D. Sabara died without repaying the loan. Then according to their custom D. Sabara's son T. Sabara inherited the responsibility. He is now paying the land revenue of the mortgaged land, but he is unable to repay the loan amount and J. Dalabehera is still taking the harvest of the mortgaged land.

As it is found from the above case study, when land is mortgaged, the legal ownership of land is not transferred to the mortgagee but lies with the mortgager who pays the land revenues, taxes and rents as applicable although, practically it remains under the possession of the mortgagee. The mortgagee cannot do any damage to the fixed assets – land or trees, like cutting or burning

down trees or destroying the fertility of the cultivable land etc. Such action calls for violent and equal retribution from its real owner i.e., the mortgager who can retaliate by causing similar or more damage to the assets of the other party according to Saora customary law. Disputes of this nature are brought before the traditional village Chief – Gomango for settlement.

Case Study – 12

G. Sabar of Sagada mortgaged a swidden plot to L. Gomango of the same village for obtaining a loan of rupees two hundred for the purpose of purchasing a buffalo and other materials required for performing the *Doripur* – the magico religious ritual to cure his son N. Sabar who was sick. There were some mango, jackfruit and *mohul* trees in that plot. After getting the mortgage, L. Gomango not only cultivated the plot and collected the produces from the fruit bearing trees standing on that land as per the custom but he also went to the extent of cutting down an old jackfruit tree for using the log for his house construction against the norms. Since L. Gamango did not notify G. Sabar or sought his consent prior to this, G. Sabar was very angry hearing the news from his son Magun. Then G. Sabar and his son went to retaliate by cutting down a mango tree from the land of L. Gamango. When L. Gamango heard about it he immediately came with his relatives to intercept G. Sabar and his son. A quarrel took place between both the parties and the matter was brought before the village leaders, namely the Gomango, Dalabehera, Ward Member and other village elders for a decision. After hearing the case, L. Gomango was found guilty. In view of the damage done to the property and the economic loss he has inflicted on G. Sabara, he was ordered to restore the plot to the latter by writing off the loan soon after the next harvesting season.

The Saora incur debts at the time of need. Elaborate socio-religious rituals and ceremonies such as the rites for the dead – the *Guar* and *Karja*, *Doripur* and *Ajorpur* rites for cure of illness and several other rites connected with fertility, life-cycle, agriculture, seasonal festivals and rites for appeasing the ancestral spirits and supernatural beings against misfortune and calamities, put heavy strain on Saora's shoe-string budget. There are other reasons to incur debt like purchase of agricultural inputs, draught bullocks, and domestic consumption requirements and for marriage expenses, payment of bride price, house construction, land development, treatment of diseases, purchase of livestock, payment of penalties, settlement of liabilities and the like. But expensive religious practices which heavily drain their purse and time are the major cause for chronic Saora indebtedness.

Case Study – 13

Late D. Raika son of Late J. Raika of Angra village mortgaged a plot of paddy land measuring 20 cents to late G. Sabar son of Late M. Sabar years ago to get a buffalo costing Rs.5/- at that time. The buffalo was required for sacrifice in an *Ajorpur* rite conducted to cure D. Raika's ailing wife. He could not release the mortgaged land from G. Sabar by clearing the debt during his life time. Thus as

per the custom the liabilities passed to his sons after his death. His eldest son S. Raika approached time and again to M. Sabar - the son of late G. Sabar (who had died in the meantime and his son now holds the possession of the mortgaged plot) to get back his father's land on repayment of the debt. But M. Sabar refused to release the land with the plea that his father had purchased the land. Now M. Sabar is cultivating the plot under his possession, while, S. Raika is holding the *patta* (record of rights) and paying the land revenue for the plot.

Case Study - 14

Forty years ago, Late D. Raika S/o Late M. Raika of Angra mortgaged three paddy plots measuring more than one acre to J. Gomango of the adjacent village Gudurda for a loan of Rs. 6/- which he required for purchasing a goat, a pig and a piece of cloth to conduct a magico-religious rite. D. Raika died issueless. After his death, his younger brother R. Raika inherited his properties. At the time of settlement operations in that area, J. Gomango manipulated the record of the mortgaged land in his name. D. Raika's successor, R. Raika and his son L. Raika approached J. Gomango and his sons many times to get back their paddy lands but in vain. J. Gomango showed them the *patta* and other documents in support of his ownership of these plots. Now R. Raika and his sons have no paddy lands but only few small patches of swiddens to support their family with much difficulty.

Debts are incurred in terms of cash and kinds. The Saora custom provides that like the assets, the liabilities including the debts can be inherited from one person to his successor. Even if the Saora father does not leave any property for his sons/ heirs to inherit, the latter are liable to repay the debts incurred by the former after his death. Thus, the debt liabilities pass from generation to generation along the male line of inheritance and succession prevalent in Lanjia Saora society. Therefore, daughters are not responsible for repayment of father's debts. However, a widow may be asked to repay the debts of her dead husband or dead son as long as she is in-charge of her husband's property.

When the properties of a person are inherited by more than one successor, then it becomes obligatory for each successor to contribute their share for repayment of the predecessor's debts. If a Saora father has more than one son and one of the sons refuses to contribute his due share along with those of his brothers towards repayment of father's debts after father's death in spite of the fact that he has got an equal share of his father's property, then his brothers can take away the whole or part of his share of father's property to cover his part of the debt. When the properties of a heirless person is inherited by the nearest male kin appointed as the successor by his *Birinda* or the village council and the successor declines to repay the predecessor's debt liabilities, the financier can forcibly take possession of the latter's properties to recover his outstanding dues. The financier may also lodge formal complaints before the village council. Any disputes in this regard are brought before the village leaders, who hear the case in the village council and order the defaulter

for repayment of the debt failing which the financier is permitted to take possession of the property of the defaulter to recover his dues. If a loanee dies leaving no heir or properties, or a loanee shifts his residence to an unknown destination, the financier has no way to get back his dues. There are instances of persons working as bonded labours of the financiers in lieu of repayment of debts incurred by them or their ancestors. Such a case study has been given in **Chapter-V (Case Study-9)**.

The debt liabilities of the successors usually continue up to three generations. The Saoras say that it is the moral obligation of a son to repay the debt of his father or grandfather failing which he faces public criticism of not being a worthy heir and the spirits of the deed ancestors become angry on him as they can not rest in peace in their supernatural abode. Since the Saoras are very religious and custom bound, they take all precautions for not displeasing the ancestral spirits. They believe that the soul of a man who died without clearing his debts or the souls of his ancestors wanders restlessly bringing misfortune to his sons and relatives. So Saoras spare no efforts to get relief from their debt liabilities and even go to the extent of accepting the miserable life of slavery and servitude that is the life of a bonded labour in the establishment of the financier or his successors, when they have no other means to repay the debts. More often as found from the case studies recorded earlier, the land remains under the possession of the mortgagee through generations and the mortgager loses his precious asset. In this context the Case Study - 14 may be seen.

The well-to-do Saoras comprising the affluent leaders viz – *Gomango, Mandal, Dalbehera, Naik, Buya, Karji*, other rich and influential persons and their relatives who constitute the Saora aristocracy and also rich persons of other communities carry on moneylending business. Mostly the Saoras of poor and landless class incur loans in cash and kind to meet their urgent needs. Loans can be taken either in cash or in kinds. No interest is charged for loans advanced against pledging securities of productive assets such as cultivable land, fruit-bearing trees, standing crops, livestock and the like because possession, produce and other economic utilities of the productive asset is held by the financier in lieu of the interests as well as the capital securities as long as the loan is not fully repaid. Low interest is charged on loans taken against pledging of valuable movable assets, viz – ornaments, utensils etc. and the rate of interest in such transaction does not exceed 24 per cent per annum and simple interest is charged. If the loan is not repaid in due time and even after issuing an ultimatum by the financier to the loanee, the former has the right to sell or dispose off the articles to recover his dues. If the sale value of the articles is higher than the loan dues, the financier is not obliged to return the differential amount to the loanee. As a rule the value of the securities is always higher than the loan amount.

It was gathered during our field work that the Saoras of Puttasingi area prefer more to sell the movable assets than to mortgage the same to get a loan at the time of need and urgency. However, mortgage of fixed assets, viz – land and trees is widely practised.

Loans can also be secured without pledging securities. The scope of such kind of transactions is limited within the parties belonging to the same or adjacent localities who are personally known to each other. For the loan of food-grains interest is charged according to the expected period of recovery. There are two systems prevalent among the Lanjia Saora of Puttasingi area. The first system which is called *gampa*, is adopted for short term loans of food grains, the period of repayment not exceeding one year or till the next harvest. The rate of interest is 25 per cent per annum. If the loanee can't make any commitment to repay the loan within one year or so and the time period of the recovery exceeds one year, then the second system, called *jaja*, is adopted with high rate of interest reaching upto cent per cent. For example a borrower receives 4 *manas* of paddy and returns 5 *manas* of paddy after the next harvest, under *gampa* system, but 8 *manas* of paddy under *jaja* system.

For cash loan without securities, simple annual interest at the rate of twenty-five per cent is levied. In transaction of all kinds of loans the lender maintains the record of time period in a novel traditional manner, as the culture of keeping of written records has not developed in their preliterate society. The lender ties a knot on a piece of rope after expiry of one year of advancing the loan. The number of knots increases with passing of successive years to calculate the interest.

All kinds of loan transactions are made by mutual, verbal agreements between concerned parties. Presence of witnesses is not customary but usually required for large and important transactions. Village leaders, elders and men of reputation are generally requested to be present as witnesses to the verbal agreements in respect of loan transactions. Due to modern influences, often written agreements in plain papers or stamp papers are being executed recently. But such cases are few and far between and in our study area the system of mutual verbal agreements is still practised at large.

Share Cropping:

Well-to-do Saoras having larger landholdings lease out their surplus land of all categories to poor Saoras having less land for the purpose of sharecropping. This system is called *bitambar*. The owner transfers his cultivating rights to another person on verbal agreement. Usually the term of agreement is for one year and can be renewed subsequently.

In this arrangement, the owner pays the rents and taxes for the land while the other party cultivates the land. The produces are equally shared by

both the parties after separating required quantity of seeds kept with the owner for next agricultural season. The responsibility of repairing and developing the plot is borne by the sharecropper.

The sharecropper has no rights to sub-lease the site to a third party or to cause any damage to the property. Landless and marginal farmers among the Saoras resort to this practice. In the village Sagada, we have found 33 families out of total 74 adopting sharecropping where the major landowners are the male kins of late Sridhar Gomango – the famous ex-village chief.

Sale:

Sale means transfer of all ownership rights of an asset for a price, paid in cash or kinds. Surplus produce from agriculture, forestry and other economic activities are always sold or bartered for cash or getting other necessities in kinds. Sale or barter of paddy, rice, maize, pulses, tamarind, *mohul*, mango, jackfruits, leaf plates, broomstick, firewood, etc. by the Saora in the immediate neighbourhood and weekly markets is a part of their day-to-day life. Often non-surplus items are also sold to meet urgent needs. Sale of valuable assets including land, trees, utensils, ornaments, livestock and the likes are made to meet higher economic needs in respect of repayment of debts, payment of bride price, performance of socio-religious rituals and ceremonies.

Sale transactions are always made within known circle but not with a stranger or insane person. Land was being sold on mutual, verbal agreement in presence of influential villagers as witnesses in the past. Now they are executing registered sale deed for the purpose. Other assets are still being sold on verbal agreements. Prices as negotiated between both the parties are either paid in full at a time or in installments.

The Saoras are quite emotionally attached to their landed properties especially their ancestral properties. They claim proud heritage of the properties handed down to them by their forefathers. Land meets most of their subsistence needs. So they feel very sorry when they have to transfer the ownership rights under unavoidable circumstances.

A minor, a woman or an insane person cannot sell properties or enter into an agreement to transfer property rights in any manner. Of course, a woman can sell his personal and self-acquired assets. But she always seeks her husband's advice before selling valuable ornaments, utensils and livestock.

SOCIAL CONTROL AND ADMINISTRATION OF LAW AND JUSTICE

Every society has developed some mechanisms of social control for ensuring regulated life of individuals as its members. The mechanisms are manifested in simple forms through folkways, mores, sanctions and customs and in elaborate forms of law, backed by enforceability, authority and power structure and administration of justice. The simple society represented by the Saora is no exception to this.

Ralph Linton (1936) holds the view that, when the individuals have adjusted and organized individual behaviour either consciously or by trial and error, towards group consciousness and a feeling of *esprit de corps*, it has transformed itself into a society with some degree of social solidarity. To insure its continued existence, the society must have some agencies of control to regulate adult behaviour and inculcate in the young the mores and folkways of the group. In simple tribal societies, kinship units, like family, lineage, clan, phratry, moiety, band or village community, inter-village organizations and the tribe as a whole has been largely responsible for the development of social solidarity and the regulation of social behaviour.

The real social group exists only when it functions as a unity. This unity comes into being when the individual members are bound by certain bonds or ties which make their lives and behaviour closely interdependent and infuse into their minds the feelings of oneness, solidarity and communal interests. The group creating bonds in the tribal society are; (1) kinship and blood ties, (2) marriage, (3) common and simple magico-religious beliefs and practices, (4) common language / dialect, mores and folk traditions, (5) common territorial affinity, (6) common economic life, (7) loyalty to common authority, (8) common social institutions, (9) common political system and law and order machinery, (10) mutual give and take and interdependence, (11) common living, experiencing and acting together. These bonds keep the individuals emotionally attached to the community and create a common group identity that holds the members together. Some of these factors in respect of the Saora society responsible for maintaining their social control and solidarity have been discussed in the preceding chapters. The political system and law and order machinery shall be dealt in this Chapter.

To Durkheim, social solidarity is a moral phenomenon, which can be studied best through an analysis of the very factor, which brings about the principal forms of social solidarity and that is law or customary law. In an undifferentiated tribal society an act is criminal when it offends strong and defined states of collective conscience. The collective or "common conscience" according to Durkheim is the totality of beliefs and sentiments common to average citizens of the same society and forms a determinate system which has its own life.

The type of law established in the Saora society is an index of the strength of collective conscience based on common beliefs and sentiments. 'Law' according to Radcliff Brown (1952) is a means of "social control through the systematic application of force of the politically organized society". Citing the views of Pospisil (1971) it can be said that in the Lanjia Saora society, "law manifests itself in the form of a decision passed by a legal authority (Council, Chief, Headman) by which a dispute is solved, or a party is advised ..., or by which approval is given to a previous solution of a dispute. This form of law has two important aspects; A decision serves not only to resolve a specific dispute, which represents the behavioural part played by the authority while passing the sentence, but it also represents a precedent and an ideal for those who were not party to the specific controversy. They regard the content of decision as a revelation of ideally correct behaviour".

The Lanjia Saora being an archaic tribal community has no written law but have their own norms and customs supported by social and supernatural sanctions. There are no political bodies, law making and enforcing agencies like legislature, police, executives, judges, lawyers and courts. But they have evolved their own systems, mechanisms, institutions and organizations for ensuring social control and administration of law and justice. Their politico-jural system is not a matter of law, as we see it but of tribal customs and practices comprising the obligations imposed on the individuals to ensure conformity.

"Customary laws are traditionally established practices which are honoured automatically without outside insistence or interference. Internal force and validity of the society make them faithfully observe the customarily hallowed practices and to punish those who infringe the time-honoured traditions. It is also observable fact that the ongoing processes of social change, contact with outside agencies, changed notions of value system cause changes in the customary laws and practices" (Goswami, 1979). The present taboo against beef-eating and restrictions against marriage by capture in the Lanjia Saora society are examples of their changing attitudes and value system reflected in their collective conscience in respect of customs and practices, under the changing environment of modern times.

In the preceding chapters the importance of institutions of marriage, kinship, family, religion, economy, village community and leadership for

maintenance of peace, order and solidarity in their social organization has been described. In this chapter, the socio-political aspects of the tribe especially the village organisation, authority and administrative structure, leadership and mechanism of administration of customary law and justice shall be highlighted.

The significance of socio-political aspects comes from the fact that a substantial part of the law functions through the political system and its institutions, and it is difficult completely to separate law and political organization. Political organization is defined "as the organized ways of applying force to the maintenance of ordered relations between categories or groups of people" (Beals & Hoijer, 1971). Like other societies, the political organization of the Saora do more than dealing with conflicts involving the social order; it also provides means for making group decisions and administering programmes. This organization centre around an indigenous leadership that (1) command respect and allegiance of the tribesmen, (2) maintain peace and harmony among the group, (3) organize and direct community enterprises and (4) conduct group activities, like agitation, raids, etc.

"In the distant past when the Saora society comprised patrilineal bands of multi-family aggregates, it might have had the characteristics of an egalitarian society. The *Birinda* system of social organization points to the earlier extended patrilineal band organization. It may be surmised that in course of time, when population increased and the Saora changed from migratory to sedentary habitat, villages grew and they settled down in the villages on permanent basis" (Singh, 1984).

The Saora still have an organized political set up mostly confined to the village level. In such Saora village, there is a secular headman (*Gomango/ Naiko*), sacerdotal headman (*Buya/ Karji/ Jani*), headman's subordinates (*Mandal/ Dal behera*), messenger (*Barik*), astrologer (*Desari*) and Shaman (*Kudan/ Beju*). By virtue of their knowledge, experience, service and specialization in their respective fields they have been holding positions of respect and authority in the village. In the recent past, the village headman yielded vast powers for the maintenance of law and order, peace and good Government in the village. The other leaders were guardians of the cultural, religious and economic norms of their traditional society.

Singh (1984) wrote, "...with elaboration of political organization, the egalitarian character of the society was modified ... The present Saora society conforms to the characteristics of rank society". The offices of the *Gomango*, *Buya*, and *Mandal* are held by the eldest male members of the respective families. The *Gomango* presides over the village meetings and the *Buya* and other leaders take active part in the discussions. "Although the *Gomango* and the *Buya* are men of great influence and wield authority and power, they are not authoritarian in their decisions on problems concerning the village affairs.

Every decision taken at a village meeting is arrived at democratically in consultation with village elders. In this sense, the Saora society resembles an egalitarian society. But there is a degree of difference between members of the general public and the secular and religious headmen, which detracts from its egalitarian character".

The homogenous Saora village is an independent, autonomous and self-sufficient socio-political unit with remarkable cohesion and continuity. The village organization also possesses, a well-defined territory, a hierarchy of responsible and respectable aristocracy and leadership and a traditional village council composed of family heads, called *Birinda Neti*. The organization is based upon democratic principles. The matters concerning the village are decided in village meetings held under the chairmanship of the *Gomango* in presence of other leaders. The meetings are attended by the family heads whose membership and attendance in the meetings are obligatory. Decisions are reached mostly by consensus and not by majority vote. Punishment for various offences consists of impositions of fines on the offender in forms of cash, liquor, goat, fowl, etc. which are offered to the gods and spirits and then consumed in a communal feast.

Buya, the sacerdotal head acts as a mediator between the villagers and the supernatural. He supplicates the deities for their blessings and benevolence for the village community. Every activity of the village, like the transaction of the landed property, construction of new houses, wedding rituals, agricultural operations, detection of crime, communal festivals and ceremonies etc. are considered to be a religious affair.

Supernatural sanctions operate the machinery of social control and play a significant part in promoting conformity with accepted moral standards of the contemporary society. The religious beliefs and practices exhibit two main characteristics of Saora social life. In the first place each village seems to be autonomous and self-sufficient. People show loyalty to *Gomango* and *Buya*. They believe that the spirits of departed leaders are most important. They appear in dreams and warn the ruling *Gomango* and *Buya* against any violation of Saora norms and customs and ritual practices. In the second place, the Saora style of life is believed to be sanctioned by the supernatural world and any disturbance in the regularity of their life causes anxiety and illness and invokes the wrath of the spirits, resulting in suffering, disease, draught and other calamities.

Prior to independence, the Saora areas in Ganjam district were administered by the feudal chiefs, Kings, Zamindars, Bissoyis, Doras, Patros, and their managers, agents and subordinate staff. The British agents occupied the area in 1766 through conquest and treaties. Each hill-tract called *Maliah* was divided in to a number of administrative units known as *Muthas*. The *Mutha* administration was functioning under a Mutha Head called *Muthadar*,

Bisoyi or *Patro*. The *Bissoyis* were maintaining a set of subordinate officers namely, *Paiks*, *Naiks*, *Adhikari*, *Hudadars*, *Sardars*, etc. stationed at strategic places inside the territories to administer the area, maintain law and order and collect revenue and tax.

Maltby's (1882) account shows that there were eleven *Bisoyis* in Parlakhemundi agency area. Each of them was in charge of small fort with their small private armies who were acting as police of the region to prevent the Saoras from raiding the plains. They were collecting *mamool* or dues from the Saoras in kinds of grains, fruits, vegetables, animals, pots and minor forest produces. They were also implementing the barbarous custom of free and forced labour called *bheti paiti*.

Under British administration, the *Bissoyis* were taken as service Inamdars holding their respective *Muthas* in proprietary rights on condition of keeping Saoras quiet. They were maintaining a number of *Paiks* (soldiers) and *Pessaniyas* armed with matchlocks and were entitled to receive *mamools* from the *royats* as their remuneration. In addition to that, the *Bisoyis* and their staff were granted with rent-free lands for their services. Their offices were hereditary. But the *Bisoyis* and their agents were tyrants and exploiters of the tribals. They were quite demanding and resorting to violence, oppression and terror if any one dares to refuse them. The Saoras were mortally afraid of these tyrants. Even today Saora oldmen remember them and their ghastly deeds with hate and contempt.

The administrative arrangement for the Saora living in Gunupur area was different. It formed a part of Jeypore Zamindari ruled by the Maharaja of Jeypore. There were no feudal chiefs, landlords, overlords, Mutha Heads or their agents to oppress the tribals. The Saoras were paying their taxes directly to the Government.

The Saoras of Parlakhemundi area according to Elwin (1955) were "not successful in defending themselves against the *Paiks*, the servants of the *Bissoyis*, who come round with violence and threats and to collect one tribute for the *Bissoyis* and another for themselves. This results in a very wretched physical condition and timidity and depression. ... The *Paiks* came round like raging lions and collected dues for the *Bissoyis* (together with what they can snatch for themselves)"

The village administration at that time was entrusted to the village level officials such as, *Gomango* or *Mandal* (secular chief), *Buya* (religious chief), and their assistants like *Dalabehera*, *Barik*, etc. "The *Gomango* and the *Buyas* are not only the wealthiest but were also recognized in the past by the Government and used to receive an official turban which was a greatly prized possession. The *Gomango* was the intermediary between the Government and

the people, and it was by his orders that the villagers went to work for officials and the local lords known as *Bissoyi*. His presence was essential at all village functions. In Koraput, he was the arbiter in matrimonial disputes and he had the final say in the allocation of rent. Where the *Buyya* Priest, in his secular capacity, was head of a separate quarter in a village, he could be almost equal to the chief in importance" (Singh: 1984).

The term *Gomango* is synonymous with the lineage head. It also means rich and important person. The offices of *Gomango*, *Mandal*, *Buya*, *Dalabehera* and *Barik* are hereditary and succession is based on the rule of primogeniture. *Gomango* is the secular head in charge of politico-socio-cultural activities of the village and in the past he was the revenue chief at the village level serving as a link between the village and the Mutha Head or the State administration. A position equal to that of the *Gomango* is held by the religious head, *Buya* who presides over religious functions and holds an influential position in village meetings. Besides, there is *Disari*, the astrologer who forecasts auspicious time for conducting rituals and ceremonies in respect of marriage, death, birth agriculture and communal festivals.

These village officials are men of high social prestige, wealth and status. Even though the offices of the intermediaries like those of *Gomango*, *Buya*, *Mandal* and *Barik*, etc. were abolished after independence and these traditional leaders have no official status at present, the Saora continue to honour them and their role in village affairs still continue to be decisive.

Elwin (1955) writes, "The Saora recognized four different kinds of male religious functionary, each with his special duties and rewards. The *Buyya* is a village official who performs the office of priest in most of the Ganjam villages. The *Kuranmaran* is the Shaman-Diviner, medicine man and celebrant at every kind of sacrifice. The *Idaimaran* is an acolyte who assists the Shaman and performs menial duties at the funerary ceremonies. The *Siggamaran* has the duty of cremating the corpse and performing other duties at a funeral ... the official *Buya*, who is often called the *Sadi Buya* (the priest who has been given a turban, *Sadi*, by Government), is generally the head of one of the quarters of a village and in the Ganjam villages acts as second in command to the *Gomango* ... The priest officiates at the harvest festivals, and has his part to play at marriages, funerary rites and other sacrifices ... sales and mortgages of land and liquor yielding trees, partition and other dispositions of property, and divorces effected in the council of village elders, presided over by the *Gomango* and *Buya*, by means of long and tedious proceedings, involving various religious ceremonies. In the old days the village chief and priest had quasi-magisterial functions and the authority to settle a number of criminal and civil cases and to impose fines".

Intra-village affairs are decided inside the village with the intervention of village leaders and council of elders. Inter-village disputes relating to boundary issues, trespassing into lands and forests, trespassing of cattle, marriage by

capture or elopement, interpersonal quarrels, etc. are decided in a joint meeting of village leaders and elders on both the sides, sometimes with intervention of the leaders of a third friendly village.

Case Study – 15

Few years ago, some villagers of Karanjasing released cattle into the farmlands of the adjacent village Kereba. The cattle destroyed the standing crops and a quarrel took place among the inhabitants of both the villages. When, the inhabitants of Kereba threatened to release their livestock into the fields of Karanjasing with armed support, the villagers of Karanjasing warned them with the threat of black magic to destroy their crops and spread epidemic. The matter was settled in a joint meeting of the leaders of both the villages with mediation of the famous *Gomango* of Sagada, late Sridhar Gomango. Friendships between both the villages were restored after holding a common feast at the end of the meeting.

ETHICS, VALUES AND CONCEPTS

The social and political organization of a social group cannot be sustained, unless it is supported by definite laws and rules enforced with justice. Convinced that their moral laws are backed by supernatural sanctions, the Lanjia Saora do not usually claim to introduce new laws and to modify existing ones. In fact, their society makes no conscious and deliberate attempt at promulgating any laws. The legal machinery for passing and enforcing such laws are lacking. The process by which customs and usages receive the sanction and status of law to become obligatory is spontaneous, because the Saoras are very keen on preserving their freedom and group identity to the utmost. The fact that a particular custom or usage is in force from the remote past and is an indispensable necessity for the order of their society is enough to induce public opinion to impose enforcement and to punish offenders against it and thus make it a customary law.

It is a common misconception that they live in a state of anarchy, chaos, lawlessness and unbridled violence and disorder because they are primitive people. They understand the essentials of moral law. They have definite conceptions of right and wrong, good and bad. Their interpersonal relations are governed by fixed status and well defined customs, which are applicable to all aspects of human social life including the property and inheritance rights as we have discussed in the foregoing chapters.

The customary law of the Saora is more or less identical with ethical norms and public opinion. The ethical percepts and norms are handed on from generation to generation through the informal process of socialization. But the pressure of public opinion enforces the observance of customary law most effectively. It not only prevents merely the breach of law when such offences occur but it also brings down the punishment of the offender.

Another reason for the faithful observance of customary law is the feeling of interdependence and mutual obligation among the members of their social groups. They are well aware of the fact that the survival of the individual as well as the whole social group depends on an orderly social life through strict observance of social norms and customs.

Verrier Elwin (1955) wrote, "the ethical codification is of external actions rather than of virtues and dispositions, it is not burdensome, but exact, not heroic but meticulous and though it is unwritten, and in a way untaught, it

is known to every child. It defines the limits within which one should walk, and so long as those limits are observed it is an insurance against ghastly evils. These conditions, prohibition, rules sometimes lead to a self-conscious scrupulosity, sometimes to an irritating assumption of complacency, but on the whole they help the Saora to live well".

Fear of Religion:

The most important factor for ensuring social conformity is the fear of religion among the Saoras. Religion forms a vital part of Saora life. The fear of supernatural punishment acts as a powerful deterrent against violation of established customs. The only remedy in case of violation is the speedy expiation of the sin and the propiation of the slighted deity or spirit. "Punishment by the Gods is a more serious matter. All Gods punish any diversion from the formalist path of safety; the breach of a taboo leads to almost immediate, and certainly automatic, retribution, but the greater Gods, such as, *Uyungsum* and *Darammasum* are said to punish, men for *sin* (Elwin, 1955). Serious offences like breach of incest, false swearing, neglect and breach of certain other important customs are considered as sins.

"Supernatural sanctions operate the machinery of social control and play a significant part in promoting conformity with accepted moral standards of the contemporary (Saora) society. Failure to comply with the ethos and value system arouses the wrath of superhuman beings and creates conditions for divine punishments during the life-time of culprits". (Singh: 1984).

Ersi and Ukka:

The Saoras distinguish between *offences* affecting human beings and *sins* affecting the superhumans. They have two terms to show this dichotomy – *ukka* and *ersi*. *Ukka* means custom and socially approved good conduct, the breach of which in certain cases affects the individuals and the society calling for imposition of appropriate social sanctions for restoration of statusquo. It is backed by social sanctions. *Ersi* means taboo or restrictions backed by supernatural sanctions. Breach of *ersi* is a serious offence, a sin against the deities and spirits against which there is no appeal. The following statement shows the classification of certain important offences in respect of breach of *ukka* and *ersi*.

<u>Breach of Ukka</u> (Offences)	<u>Breach of Ersi</u> (Sins)
1) Telling lie	1) Telling lies before deities and spirits
2) Theft	2) Stealing food and other items offered to gods and spirits
3) Marriage inside the village	3) Homosexuality and bestiality (serious).

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|---|--|
| 4) Adultery (excluding incest) | 4) Incest among the descendants of a male ancestor. (most serious) |
| 5) Premarital sex (not incestuous) | 5) Priests or shamans committing adultery. |
| 6) Homicide. | 6) Killing the animal dedicated to gods and spirits. |
| 7) Physical assault | 7) Killing a woman. |
| 8) Arson. | 8) Killing the lizard set free after the performance of <i>Tuampur</i> rite. |
| 9) Violence & aggression. | 9) A woman to touch Shaman's fiddle (<i>Kudan</i>). |
| 10) Insult, misbehaviour and humiliation. | 10) A Shamanin breaking menstrual taboos. |
| 11) Defaulting repayment of debts. | 11) Pride and superiority complex (serious) |
| 12) Jealousy & ill feeling | 12) Profaning sacred rites and ceremonies. |
| 13) Eloping with other's wife or fiancée. | 13) False swearing of oath in the names of the deities. |
| 14) Encroachment of others property | 14) Sexual intercourse by priests & shamans before certain rituals and ceremonies. |
| 15) Unequal distribution of food during feasts. | 15) Sexual intercourse at the time of earthquakes. |
| 16) Socio-economic exploitation | 16) Shamanins attending ritual or touching ritual objects during their menses. |
| 17) Scandal mongering | 17) Sexual intercourse by a Shaman or priest during wife's menstrual period (serious). |
| 18) Greedy and miserly conduct | 18) Woman killing animals especially for ritual sacrifice |
| 19) Laziness | 19) Woman to dig a grave |
| 20) Prohibitive marriage (other than incest) | 20) Woman to collect bones or bury ashes after cremation. |
| 21) Drinking milk | 21) Woman to climb a 'Salap tree' |
| | 22) Eating the flesh of dog, horse, cat, frog, vulture, kite and snake. |
| | 23) Women to eat pork |
| | 24) To offer pig sacrifices to female ancestors and goddesses. |

- 25) Priests & Shamans breaking fasting before conducting rituals and sacrifices
- 26) Touching a horse and its excreta.
- 27) Touching the corpse of horse, frog, pet dog or cat.
- 28) Touching the house at the time of curative rituals.
- 29) Touching forbidden foods.

The scope of violation of *ukka* is confined to human and social level and it rarely invokes supernatural sanctions. It is not as dangerous as *ersi*, which provokes the anger of the supernaturals. While *ukka* relates to man's conduct as seen by his fellowmen, *ersi* relates to his conduct as seen by gods and spirits. The breach of *ukka*, often leads to human punishment in forms of ostracism, excommunication, fine or physical pain. There are ways to compromise, make peace, pay compensation, beg apology, make excuses, make arguments and to make appeal, review, modify, alter or revoke the decisions as the situation lies within the reach of human beings. But in case of *ersi*, there is no appeal against the punishments inflicted by the supernaturals. Proper rituals and sacrifices to the right deity or spirit can only stop the misfortune. This kind of possible relief is always not possible because often a man commits *ersi* without being aware of it and he becomes aware of his lapses when he pays the penalty of facing disasters supposedly directed from the world of supernaturals.

Violation of *ersi* automatically produces in the offender a state of ritual disability, a deterioration of his ritual status. Relief and restoration of status quo is possible by ritual purification. The essence of breach of *ersi* is the automatic reaction, which it produces and this distinguishes it from other offences against the spiritual beings. For example non-performance of *guar* ceremony for the dead father may bring illness to the son. But it is not *ersi* and the illness is not considered as a punishment but a reminder. If the son kills and eats the animal dedicated for sacrifice to his dead ancestor, he is to risk the anger of the ancestor and bear the consequences, as that would be a definite breach of *ersi*.

Ersi in other words is a prescribed code of etiquette for dealing with the spiritual world. However, the Saoras do not seem to have any strong idea of ritual disability or uncleanness. They are rather concerned about the ideas of guilt and propitiation of offences and appeasement. "When a Saora breaches an *ersi*" and directly he realizes what he has done, he takes action to put things right. This involves confession, in many cases to a Shaman and in all cases to the spirit whom he has offended. Sometimes a man does not realize that he has broken a taboo until he falls ill and begins to wonder why; more often he does realize it, and the realization makes him actually ill" (Elwin, 1955).

The guilty Saora not only confesses his sin but also sets in action the remedial measures and soon he regains his faith and hope that reinforce the courage that has been renewed by the removal of his secret burden. In short, the offender confesses, appropriates and promises to amend. Aldrich (1931) says, "the breaking of a convention ... is a very serious thing to the primitive's mind; his ideas of right and wrong are clear-cut and immutable; white is white and black is black with him there are no delicate shades of grey between them, as with the civilized. He lives under a code of morals ... To know that he has broken a commandment puts him at once in a state of terror; it splits him physically; and he naturally flies to the priest to unburden himself of his guilt, with these ideas firmly fixed in his mind. I have no doubt whatever that he really falls physically ill under the weight of guilty secret, and that he recovers when the burden of sin is removed". The Saora fits in to this description.

Saora Personality:

A number of authorities have passed various judgements on the Saora personality from time to time describing them as "reserved, suspicious, refractory, obstinate ... savage" (Yeats, 1931); "entirely destitute of moral sense ... not straight forward in ... their dealings, always take every unfair advantage" but "quite courageous" (Rowney, 1882); "not civilized, ... unlike human beings, ... like wild beasts, ... a set of dangerous people, ... barbarous ... bad subjects and not trust worthy" (Ghose, 1848). J.S. Wilcock, Agent in Koraput recorded in a judgment of a murder case in 1939. "The accused are Saoras, aboriginals in a primitive stage of civilization, little above the level of savages. Their character is evinced by the fact that after committing a ferocious murder for the flimsiest motives, they made no attempts whatever to conceal the crime or their participation in it ..."

John Campbell, the illustrious, brave and sympathetic British Officer who could check the barbarous 'human sacrifice' of the Kandha tribe wrote about the Saora in his book, "A personal Narrative of Thirteen Years Service amongst the Wild Tribes of Khondistan" (London, 1864); "They are professed thieves and plunderers, and are the terror of the inhabitants of the plains".

These comments about Saora character appear to be unfair and lopsided. More careful observers like N. Macmicheal, Political Agent in Ganjam in 1914-15 remarked, 'The more one sees of the Saoras, the more one realizes what thorough gentlemen they are'. The Saoras indeed are quite suspicious and resentful of anything that is alien and that exploits them. Verrier Elwin (1955) who came in intimate contact with the tribe said; "The Saoras intractability and obstinacy are due to his resistance against (alien) laws and regulations that he knows will ultimately destroy his economy; he resists the forest laws because he knows they will impoverish him, the excise laws because they will rob him of his happiness, and the attempts to educate him because he sees in them an attempt to invade his country by an alien speech and customs".

The personality of a people should not be judged only by their behaviour towards outsiders but also among themselves. Some Saoras may be cruel, arrogant, quarrelsome, aggressive or obstinate. Such people are few and they are strongly condemned by their fellowmen. Their whole race cannot be condemned for occasional outburst of savagery.

By and large, they are gentle, kind hearted, affectionate, and sociable and have many great virtues, which must be taken into account while judging their personality. They are good citizens, very fond of each other, devoted friends, and good domestic partners, fond of children, hospitable to strangers, obedient to chiefs and always ready to help the poor and needy. They are quite industrious which is the greatest of their virtues. Their terraced fields and swiddens are indisputable evidences to their industriousness. "Their well kept fields with the numerous *ippa* trees scattered about them have been likened to Italian homesteads surrounded with their dark olives" (W. Francies, 1907). They are also a clean people. They wear clean clothes whenever possible and their houses are kept spotlessly clean. Their famous icons exhibit the depth of their artistic skills and aesthetic sense.

The Saora can distinguish a bad man from good man but cannot identify all the traits of badness in the bad man. They can identify only single traits like so and so is a miser or murderer. The most condemned person is the proud man, because pride destroys good fellowship. The proud man is called "*adaibobmaran*" or "*Duaiymaran*" meaning the "one who is easily provoked".

The scandal spreading is also disapproved. They believe that a scandalmonger attracts the feared god of light and darkness called *Ratsum*. The ferocious god waits for an opportunity to pounce upon the miscreant and kill him.

Generosity is a virtue while miserliness is a vice in Saora society. They praise the person who gives away freely and hate the person who accumulates wealth selfishly. A miser called *ersuamaran* or *rankamaran* is treated as a black sheep, because miserliness strikes at the root of mutual cooperation and exchange, which are integral parts of their socio-economic life. Similarly the greedy persons who try to steal a higher share in communal feasts or distribution of meat during communal hunt are considered a nuisance and danger to the community.

Jealousy and lust are dangerous vices. People who cultivate these vices are disliked by their fellowmen because the former, by their bad conduct generate dispute and conflicts in the society.

Theft from a fellow Saora is a serious crime and this is highly condemned. Heavy penalties are imposed on the thief who faces severe public criticism and social ridicule. They say that the ferocious god, attacks the

thief and even the Shamans cannot diagonalise the cause of his suffering. A thief's soul after his death cannot rest in peace because his ancestral spirits refuse to accommodate him in their supernatural abode. A thief always remains needy and poor and does not reap a good harvest from his fields for the displeasure of deities and spirits. However, it is interesting to note that stealing from a Dom or Pano who are condemned as thieves and exploiters is not considered as an offence because in this case, the Saora believes that he has a right to get back his properties taken away from him by trick by the exploiters.

A lazy man is as bad as a thief. The lazy man or woman steals her food and maintenance by enjoying the fruits of other's labours, without contributing anything. An adult and fit person has no right to depend on others. Such a person is criticized everywhere and the ancestors are displeased on him. Similarly in a family, a daughter-in-law or any other man or woman who eats a major share of the food secretly, without sharing the same with others is treated as a special kind of thief. Such a daughter-in-law is called by a derogatory term – *rankaboi* meaning the woman that misbehaves, violates custom or eats without her mother-in-law's permission.

Truthfulness is a great virtue that earns the blessing of the gods and spirits as well as respect and admiration from the fellowmen. The Saoras are reputed for their truthfulness even in court of law. Therefore oaths taken in the names of gods, *Darammasum* and *Uyungsum* are serious matters. Elwin (1955) has described various versions of oath taking by a Saora. The man places a pinch of salt on a piece of dry cowdung and facing the sun he says, "O Uyungsum! ... You are in the sky; you rise in the east". He turns back and says, "O Darammaboi, you are in the sky; you sink in the west". He touches the ground and says, "O Dabosum, you are witness that I am telling the truth. If I lie, let me melt as this salt melts in water; let my body be consumed by fire".

In another version he raises his right hand towards the sky and says, "O father, there is Darammasum. There is the sun and moon. There is Kittung. Here is the earth. If I have done wrong or told a lie, may I perish". After taking the oath in this manner no Saora dares to tell a lie as it brings him fatal consequences. The lie or break of the oath taken before the gods and spirits amounts to *ersi* and no Saora will dare to risk that.

Case Study – 15

P. Dalabehera of Dungdungar village took an oath in the name of his dead ancestors, years ago that he would not drink liquor as it makes him enter into quarrels with his neighbours. Keeping his oath he abstained from drinking for some time. Once while visiting the nearby market his friends invited him for a drink. He could not resist the temptation and came back home in a drunken state and then fell ill. He repented for his mistake, confessed his sin before the *kudan* and got relief after making ritual sacrifices to the gods and spirits.

Sexual Ethics:

The Saoras are very strict about their sexual ethics. Premarital chastity and post-marital fidelity of both the sexes are highly regarded. However, deviations do occur. The fact that most agricultural and ritual activity are organized inside the village, there are many other occasions for the boys and girls of the village to meet together. It is not uncommon for a boy to have an affair with a girl of the same village, provided she belongs to a different *birinda*. Naturally the boys and girls meet, fall in love and elope with each other. Unless their union is not objectionable or it does not amount to incest, their elders take a sensible view about them and formalize their wedlock in the customary manner. Even premarital pregnancy is not taken seriously and the elders immediately arrange the girl's marriage with her lover or anyone who is willing to marry her.

Post-marital adultery as stated earlier is condemned not as sexual crime but as an encroachment of the private property of a man because women are treated as the property of their husbands, who have paid the bride-price to acquire them. An adulterer is compared to the snake god *Ajorasum* who steals baby's milk. It is believed that the ancestral spirits of both the man and woman indulging in adultery become angry. Adultery is an *ersi* when committed by priests and shamans but only *ukka* when ordinary people are involved. At the social level adultery is treated as a crime like theft. The husband of the woman claims heavy compensation from her lover and sometimes it leads to grave disputes. Elwin (1955) has cited a case of Saora man and his friend killing another Saora who seduced the former's wife while he was away from his home. Both the murderers were sentenced to life-imprisonment. A recent case is cited below.

Case Study – 16

D. Sabar of Alangda had developed illicit love affairs with the wife of M. Bhuiya of the adjacent village Marakoi. The affair had started before the marriage of the woman. D. Sabar could not marry or elope with his sweetheart because he had already married and got a good and efficient wife by that time. His wife strongly objected to the affair and D. Sabar was very poor to afford the marriage expenses and bride-price for the woman. Their affair continued even after the woman's marriage to M. Bhuiya. Gradually the matter came to the notice of M. Bhuiya who once caught both the lovers red handed. He was so furious that he attempted to attack and kill D. Sabar at once. D. Sabar begged his pardon and offered to pay compensation. But M. Bhuiya along with his kinsmen raided D. Sabar's house and took away one of his pig and fowl, which they consumed in a feast.

Incest is the greatest of all sins. Drastic supernatural punishments are supposed to fall not only on the offender and their family but also on the whole village community. Hence, the whole village swings into action to punish the sinners and appease the deities by rituals and sacrifices. The offenders face

severe punishment to the extent of death or ostracism and their properties may be confiscated. It is a serious crime. Saoras do not even talk about it.

Sex is beautiful and natural to them. Their sexual code of conduct may appear to be liberal to the commoners but it is very strict for the priests and shamans. Sexual perversions, such as homosexuality and bestiality are grave sins, like incest, which brings immediate supernatural vengeance. Saoras do not even mention them in-joke. The instances of such crimes are quite rare but generate severe public ridicule forcing the offender to fly away from the village out of shame and disgrace.

Homicide and Suicide:

The Saoras dislike homicide and suicide not as crime but as abnormal deaths. These are dangerous to the society since the wandering, restless and revengeful soul of the victim may bring misery, suffering and further loss of life. The incidence of murder is not very high and the reasons for murder are many, such as, intoxication, quarrel, personal insult, encroachment of property, sexual jealousy, exploitation, retaliation, unequal sharing in the feasts and the like. Saoras condemn the murder because it is bad, it is violent death, it cuts short a life, it brings sorrow and economic loss and also it has serious consequences. The chain of actions following a murder, like police action, bearing the expenses of supporting the police party during investigation, attendance in the court for a couple of years becomes unbearable psychologically and economically for the Saoras. Therefore, they consider murder as antisocial and sometimes the whole village tries to conceal the mishap to avoid the trouble.

The Saora decide the gravity of murder, considering who is murdered and the reason behind it. The murder of a fellow Saora is highly condemned. When a witch, a sorcerer, an exploiter like a moneylender, Domb or an agent of a Bissoyi is killed there is no social disapproval. But to kill a woman is a sin, because she is ignorant about the world except her own family; she bears children and she is an economic asset to her family by virtue of her hard labour and substantial economic contributions.

For murder and suicide, the Saora believe that it is not the man committing the sin but certain deities and spirits who are responsible for the mishap. They say, the servants of the god *Uyungsum* namely the *Sirasum* drives a man to commit murder and *Dinglatism* incites for suicide. Suicide is regarded with pity and understanding. But the Saora fear the resentful and unhappy ghost of a murder or suicide victim. All ritual precautions are taken to save the village from the fury of these ghosts and modified funerary rites are performed.

Saora women who are called "weak hearts" by their male counterparts are more prone to suicide than men. They commit suicide for their inability to do hard work, for starvation, marital incompatibility and maladjustment,

unsuccessful love affairs, involvement in objectionable adultery or incest, insult, ill treatment in husband's family, rape and suffering from incurable diseases. General causes for suicide for both the sexes are desperation, hopelessness, painful suffering and sense of guilt, shame and disgrace. In many cases, people suffer long from painful incurable diseases. They go on performing rituals and offering sacrifices of pigs, fowls, goats and buffalos, exhausting their resources with the advice of the Shamans. When they have nothing to offer and the Shamans go on demanding a buffalo or a pig for the next ritual, while their disease and suffering continue or increase, they have no choice but to take their own life to end the suffering.

Case Study – 17

Once, a girl of Karanjasing village hanged herself from a tree as she was forced to marry a man against her wish. Some years ago a man of Angra suffering from leprosy and epilepsy committed suicide when he lost hope for his cure. Sometimes the tension created in a polygynous family for jealousy and quarrels between co-wives, drives the husband or the wives to the edge of suicide. Sorrow and loneliness sometimes drive elderly people to end their lives. An old lady of Rejingtal hanged herself after the death of her only unmarried earning son on whom she was not only dependent but she had also bestowed all her motherly love and affection.

In majority of the cases the method of suicide is by hanging from the roof or a tree. The Saoras don't like to talk about suicide for fear of the deity causing this mishap and also of police action. But the cases of suicides are very few.

The Saora ethics attains its growth within the limits of the tribe. Discipline and conformity reinforce the rule of external law commanding the Saora's unquestionable loyalty. The problem of discipline articulated into its three subordinate problems of institutionalism, formalism and rigorism is fundamental to their ethical system.

The general atmosphere of Saora religion is one among the forces making for a good orderly social life. Saora religion may not aim at making people better, nor its rewards and punishment are awarded for ideal character and behaviour, but it forms the natural soil in which the good qualities grow. The general tradition of how men should behave towards the God emphasizes the way they should behave towards their fellowmen. It is dangerous to show proud behaviours before the gods, because humility is the most ideal of human virtues. The stress on duty, the importance of working hard and doing one's share, the charm of hospitality, the need to avoid violence and lies, the priority of community over the individual – these things are not only demanded by the religion but as well by the community also through its secular customs and traditions.

The way in which the Saora institutionalism exerts its discipline is by the pressure of public opinion expressed in every possible way and all the time. And this opinion is inexorable. It does not ask the people to be religious but it insists that they should conform to the rules of *ukka* and *ersi*. There is no sympathy for the person who breaks them and suffers from the pains of supernatural punishments. Human penalties are also inflicted for violation of *ukka* or the customs. But the dreaded arm of excommunication, which is used with such devastating effect by the tribal leaders in other communities, is rarely used by the Saoras.

The general traditions and customs of Saora society are of course very powerful than the external law administered by the police and the courts. The fear of divine punishment is also a deterrent against breach of norm.

The proper observance of taboo and sacrifice are done expecting to be rewarded with good health, good harvest and well-being and safety of general property. Elwin (1955) wrote; "Ultimately, a good life is to be lived for its own sake, for it is the way of happiness". A good man speaks kindly to everyone, helps those in trouble, is not envious of the success of others, receives rich and poor, neighbours and strangers alike, tries to settle quarrels and conflicts, makes a visitor feel at home, is docile and obedient. "He lives this kind of life for its own sake, because it is the only kind of life that agrees with his religion and because it brings peace and welfare to the community, respect and honour to the individual". For, as a Saora once said to me, "a good man is loved; a bad man is avoided".

Saora society expects every man to be a *bangsamaran* i.e., a good man rather than a *rankamaran*- the bad man.

STABILITY AND CHANGE

Since the remote past, the Lanjia Saora lived undisturbed in their remote hill habitat. In modern times, the rapid changes in administrative set up, political climate of the country, economic system and religious ideologies, development administration and their exposure to the external modern world have influenced the Saora way of life. For example, abolition of intermediary system after independence, set the Saora free from the clutches of the oppressive feudal overlords and their unscrupulous subordinates and modernized their political organization. On the other side, even before the time of independence, many outsiders infiltrated into the Saora country as soon as it was opened up with development of road communications, market centres and establishment of Government and non-Government agencies and started exploiting the natives. Often when the situation became unbearable, the Saora rose in revolt in what are called "fituri" but the British authorities suppressed them with an iron hand. The discontentment and frustration among the Saora grew in the absence of strong internal leadership and sympathetic attitude of the feudal chiefs and foreign rulers.

After independence, the welfare Government took a very benevolent attitude towards improving the lot of the downtrodden tribal people of this country including the Saoras. Various welfare measures initiated by the Government resulted in exposing the Saora more and more to outside contact and pressures of ever-advancing, powerful, social, economic and political forces. The impacts of the political change, election system, adult franchise and local self-government have triggered off various political processes and generated new leadership among them. The modern leadership and the associated aspects of political participation and specialization which are new to them, has been emerging as manifestations of the socio-political change.

The Saora are passing through a phase of transition. Three centuries ago they passed from autonomy and self-sufficiency to subjugation of feudal chiefs and foreign administrators. Prior to that they were more or less independent and their allegiance to the Kings and Zamindars were marginal and nominal. At that time the traditional village leaders, *Gomango*, *Mandal*, *Dalbehera*, *Buya*, *Barik* and the like were running the village administration with the backing of the village council. This indigenous socio-political system had received the recognition from the then Kings and Zamindars whose policy was

to collect revenue, customary gifts and labour from the tribals and not to interfere with their traditional life style.

"With the coming into being of Muthas, the Bissoyi overlords intervened between the Gomangos, Mandals, etc., and the Zamindar. Following the descent of peace in the area after 1834, the character of the Bissoyis and the Patros, described as 'wardens of the marches' anciently established in a species of feudal tenure, underwent gradual change into landed aristocracy consisting intermediaries between the Government and the Saora. They occupied this position for nearly a century. They were more than mere intermediaries. They exercised the powers of the Zamindar, the magistracy and revenue-collecting agency. Equally important was their informal standing among the Saora who were almost totally devoid of contact with the outside world; the Saora got used to looking up to the Mutha-heads for leadership in intra-village disputes, arbitration in land matters, etc." (Singh: 1984).

During British occupation, the feudal chiefs and the British Government were more concerned with revenue matters, law and order problems, civil and criminal disputes than with the traditional needs of the Saora. Soon after independence, the intermediary system was abolished and *panchayatraj* system was introduced. The Saora as the citizens of free India have been made to participate in the democratic system through elections. This new system in its early phases has marginal impact on the Saora. The people who still have loyalty to their traditional village leaders choose in many places, their *Gomango*, *Mandal* or *Dalabehera* as elected representatives to Grampanchayat and other elective bodies. For instance, Saora Sarpanches who were traditional village chiefs headed the Puttasingi, Patili and Sagada Gram Panchayats. Late Sridhar Gomango, the powerful chief of Sagada continued as Sarpanch, in Sagada Panchyat, for a pretty long time. After his death two of his christianized fellowmen Mansi Raika and Ansu Raika became the Sarpanch and Naib Sarpanch of Sagada Gram Panchayat respectively.

However, due to spread of education, activities of social workers and missionaries, development programmes and exposure to external world, a new kind of modern leadership is emerging gradually in these days. The indigenous village leadership and council of elders are losing their importance. The Panchayatraj institutions and community development programmes requiring capabilities of a different order have started throwing of emergent leadership which has yet to gather momentum. But there are still the traditional leaders and their successors who have switched over to take up new roles.

Singh (1984), who, made an elaborate study of Saora leadership, observed ". . . the village councils with the, Gomango and the Mandal as the secular heads, the Buya, Disari as the religious functionaries, never went out of existence. But, meantime, new far-reaching changes have been ushered in.

Statutory Gram Panchayats and Panchayati Raj institutions have made their appearance. While (traditional) village councils linger, the Gram Panchayats have made a dent into the prestige and status of the traditional leaders. Panchayats and Panchayat Samities having become the new recipient of power and resource, the sphere of activity of village councils has undergone shrinkage. Some traditional leaders, unable to reorient themselves and confined to village councils, are fading out. Some others, particularly the younger, not set in a rigid mould, have exhibited adaptability, and been taking to the new institutions. There are signs of emergence of Saora leadership at the Panchayat and Panchayat Samiti levels".

Against the onslaught of modernization in terms of coming of Christianity, better means of communication, culture contact, education, introduction of formal system of dispensation of justice and acculturation, the Saora apparently remained clear with their traditional conduct rules in private and public behaviour. The patrilineal ethos of their social organization had certain inherent characteristics, which helped them to retain its originality. There are specific peculiarities of the Saora customs like the supernatural sanctions, strong public opinion, the concept of *ersi* and *ukka* etc. which maintain law, order and discipline within the society. Each Saora individual is aware of the other's rights and privileges and thus does not like to infringe upon the rights of others. Secondly, individuality of a Saora is not considered separately from the background of his family, extended family or *birinda*, which thrust the responsibility of maintenance of discipline among each and every family member. The Saora customary law is self-regulatory in the sense that a Saora considers that to insult a fellow being, to show disrespect or dishonour to others amounts to causing offence towards supernatural powers, which may bring disastrous consequences.

The indigenous legal system of the Saora is simple, informal and effective. Where as the modern legal system which is truly based on evidence and lengthy and complicated procedures does not take into consideration any human factors in life. A rapist or murderer may be punished by imprisonment or may get away with his crime under the 'benefit of doubt' for lack of strong evidence but there is no consideration about compensating or rehabilitating the victims or their dependent family members. In stark contrast, the Saora customary law assesses the extent of loss and damage inflicted upon the victim, his family, his social status, his economic status, his ritual status and his community as well. The punishment given to the offender mainly by imposing fines serves two purposes. Firstly, it is a punishment bringing disgrace, social ridicule, and economic hardship to the offender. Secondly, the fines collected from the offender is paid to the victim or his relatives in part as compensation and the remaining part is spent for holding communal feast which conveys the approval of the community to this act and strengthens group solidarity.

The tribal council makes arrangement for the marriage of an unwed Saora mother with her lover or any one who is willing to marry her while punishing her lover. Sex and pregnancy are taken as quite natural human phenomena and no stigma is attached to it if it is not incestuous. In their small and simple society, where every body intimately knows about his neighbours and kinsfolk, there is no scope to hide an offence and so, the word of mouth is taken as truth and evidence. In this highly personalized system corrective actions and dispensation of law and justice following an act of a breach of norm is very quick and efficient. On the otherhand, in the modern legal system the word of mouth never holds true in the court of law and there is no consideration for compensating or rehabilitating the victim or his dependents. No provisions are made for the marriage of an unwed mother or victims of rape, physical assault, theft, trespassing, encroachment which are adequately taken care of under customary law and justice of the Lanjia Saora.

Yet the Saoras have been subjected to both the kinds of contrasting legal systems that exist side by side in contemporary India since the British Raj. The people are availing the best and worst out of both the systems. Elwin (1955) wrote, "Another force, even harder to assess, yet of the first importance, is the influence of the reign of law and ordered Government. The Saoras have now lived for well over a hundred years under the provisions of the Indian Penal Code, and there can be no doubt that it has gradually, imperceptibly moulded their ideas as well as controlled their actions. Previously, they were unabashed cattle thieves, plunderers and marauders and they had no hesitation about their deeds of theft and violence. Today they are restrained from them, not only by the fear of punishment and the existence of superior force, but because they have been subjected for a very long time to the quietly persuasive education of the working of the law. Whatever defects there may be in practice, every police investigation, every trial before the courts, is an education in certain aspects of the moral life, and it has certainly had its effect upon the Saora conscience".

However, before their humanistic and compassionate customary system of law and justice are pushed back by the modern system, the elites and individuals belonging to the Saora and non-Saora societies should be made to realize the importance of their own age old traditional and indigenous system which are suited to their way of life unlike the modern jurisprudence which still remains complex and formidable even to the educated mass. "The prime distinction between the two being that the latter stigmatizes a person in the society if he has gone through the entire system of jurisprudence, ultimately alienating the individual, whereas the traditional councils make all efforts to reestablish the person who has wronged. Since our Constitution gives provision for upkeep of our personal law, it will be a good exercise to delve into and assess the respective legal system" (Roy: 1990).

EXCERPTS OF RECOMMENDATIONS OF THE WORKING GROUPS FOR SEVENTH & EIGHTH PLAN

The tribes in India present a variety of socio-cultural practices and customs ...the tribal customs in regard to marriage, divorce, inheritance, administration of justice...Particularly in regard to trial of minor offence etc. continue to guide the tribal community's behavior. Study of the customary laws of the tribal communities is therefore useful for our understanding of tribal societies and necessary for better administration for these areas and people. **It is with this aim in view that codification of customary tribal laws first mooted an early as in 1982...** The studies are mainly based on ethnographical interest and cannot serve the purpose of law. This limitation was recognized by the Working Group of the 7th Five Year Plan, which made the following recommendations.

"Penetration into the heart of a custom or tradition is essential to determine it's binding character on the tribal community. Any wrong judgment on the part of the officer-in-charge of such compilation may lead to serious consequences. In this background to club such compilation as "Customary Law" and publish them under the auspices of a State Government or Government of India may be risky, particularly when recognized tribal institutions are no longer extant in many cases from whom a confirmation as to the accuracy of such "customary laws" could be obtained. May be such compilations perhaps ought to be captioned as "some traditional tribal customs" rather than as "customary laws". This may leave "the way open for further improving such compilations, if need be".

It also listed the customs that would be of particularly interest to the State i.e. ownership of property and inheritance, family and kinship, traditional tribal village offices and other institutions and succession to such offices.

The Working Group for the Eighth Plan suggested for retention of the approach of the Working Group for the Seventh Plan and made further recommendations as follows;

- (i) "Complete compilations of main customs, namely ownership of property and inheritance, family and kinship, traditional tribal offices and other institutions of a particular tribe should be done instead of covering some customs with wider coverage of tribes. This would give an integrated picture of the entire tribe.
- (ii) Compilation could be taken up as a fully funded Central Scheme drawn up by the States having Tribal Research Institutes, to take up the task through the tribal Research Institutes within a specific time schedule.
- (iii) The compilation could also be done through a legal cell in the Law Department of the Tribal Sub-Plan States, on the lines of the Law Research Institute (of Assam) in the Gauhati High Court.
- (iv) The Anthropological Survey of India should be in over all charge of these compilations and devise suitable mechanism for monitoring and reviewing of the progress in consultation with the Tribal Research Institutes and the Law Department of the States."

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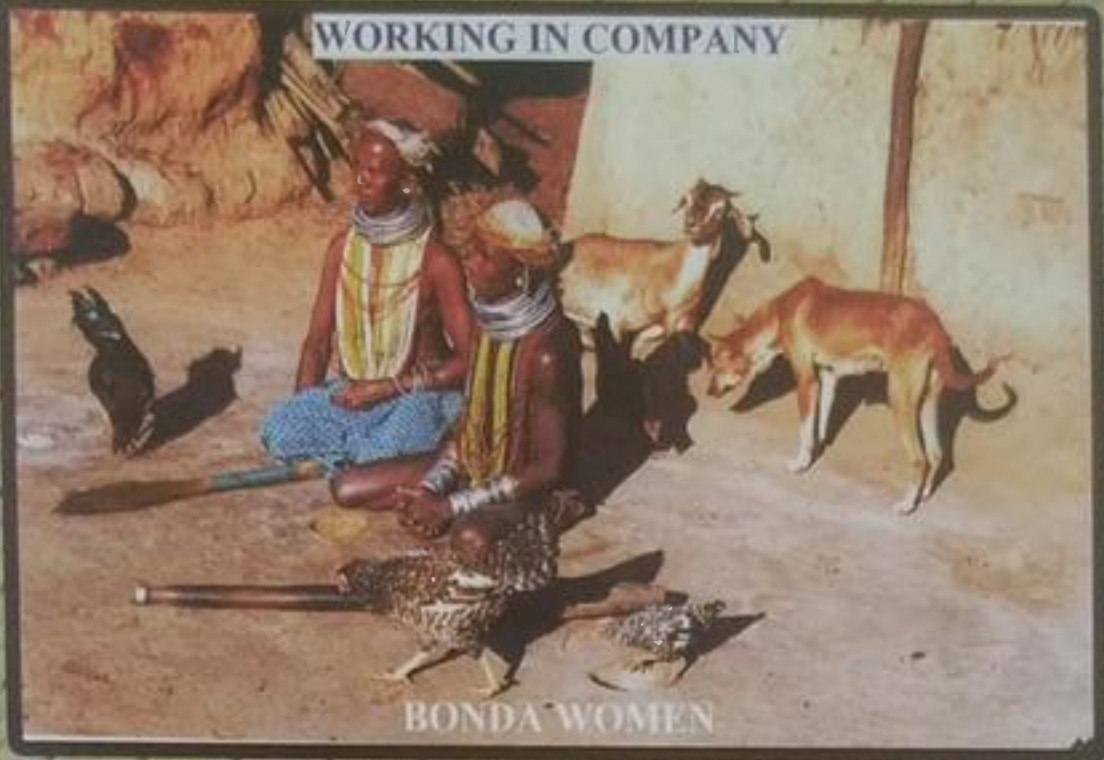
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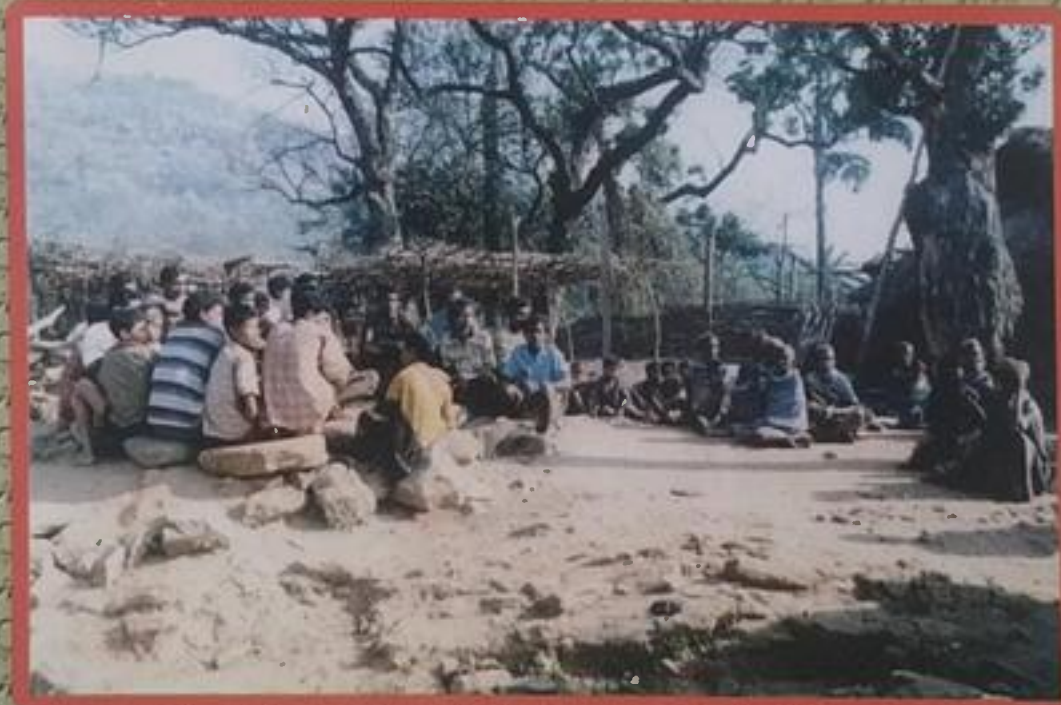
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WORKING IN COMPANY



BONDA WOMEN





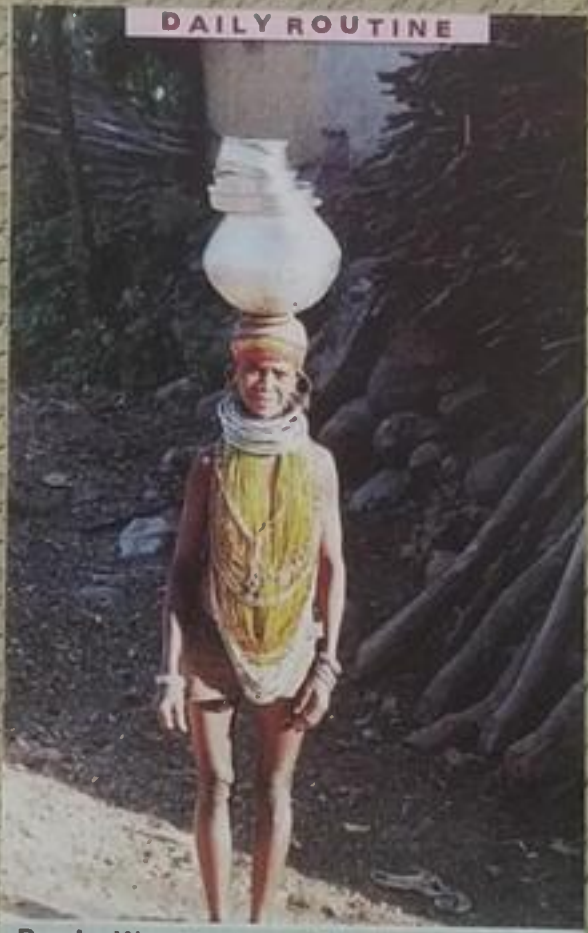


BONDA GIRLS DRESSED TO DANCE





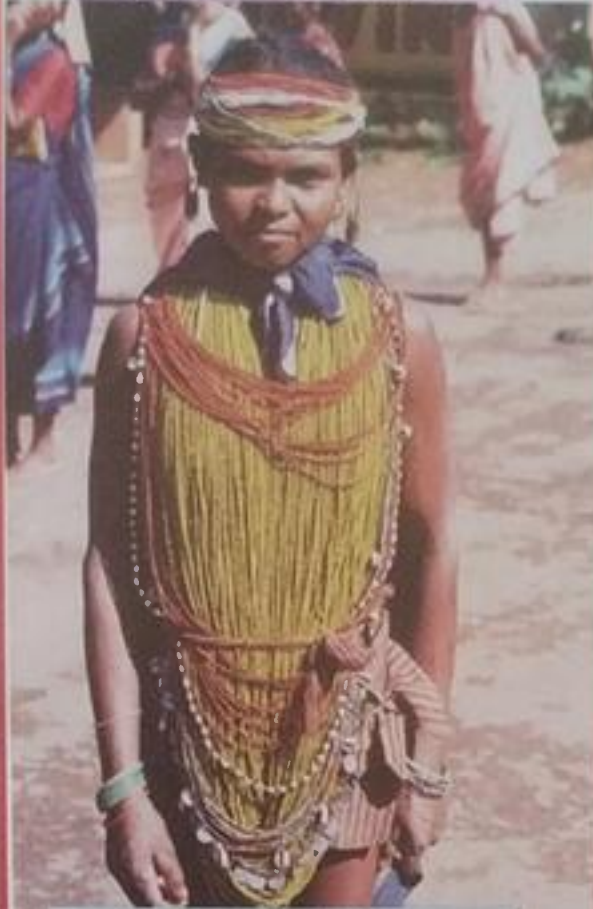
BONDA MOTHERS



DAILY ROUTINE

Bonda Woman fetching Water for Home

BEAUTY & BEADS



Bonda Girl In Traditional Attire

NOT A DESIGNER'S COSTUME

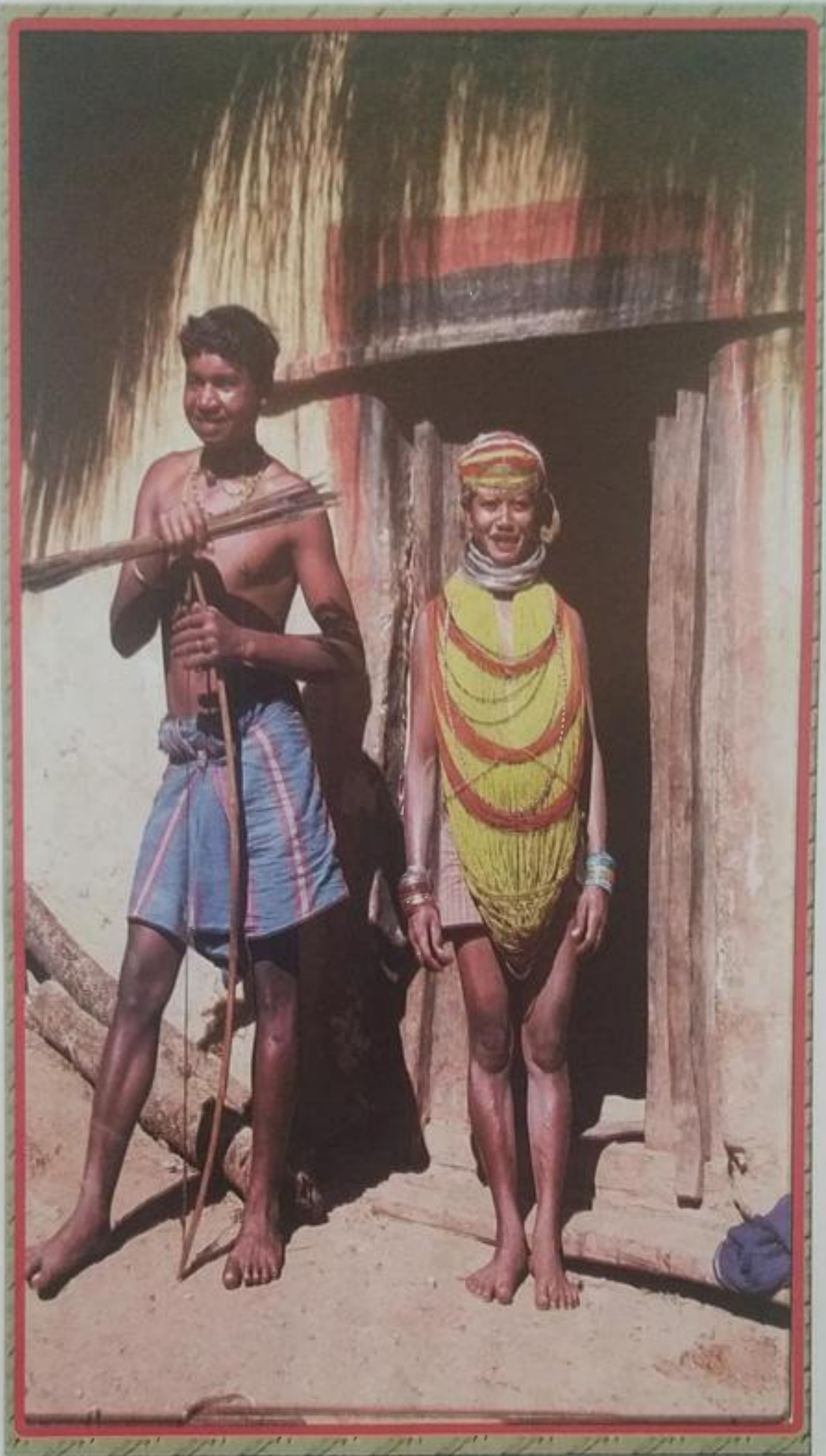


A Bonda Woman with her Beads & Rings

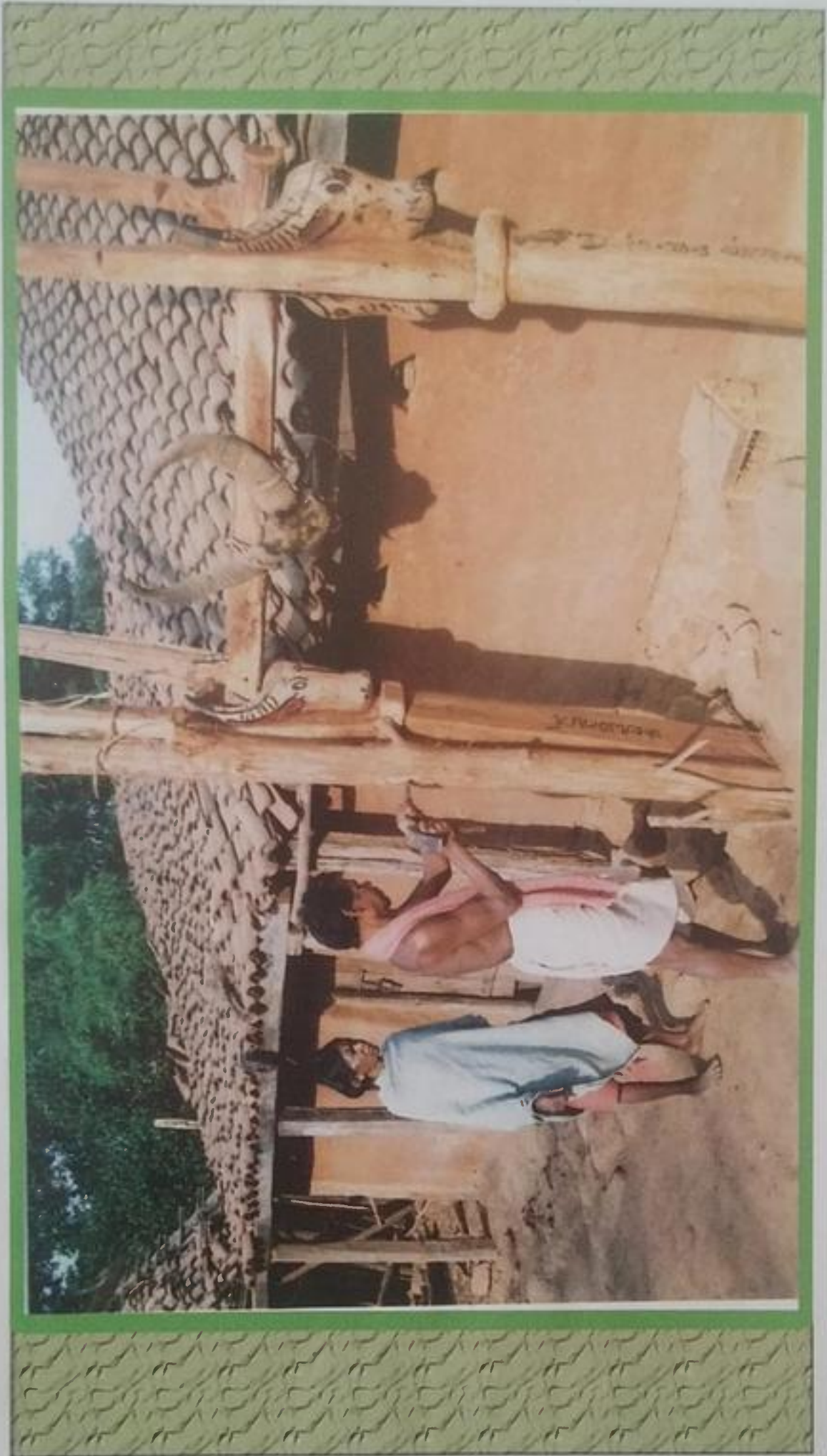
ALWAYS WITH ARMS

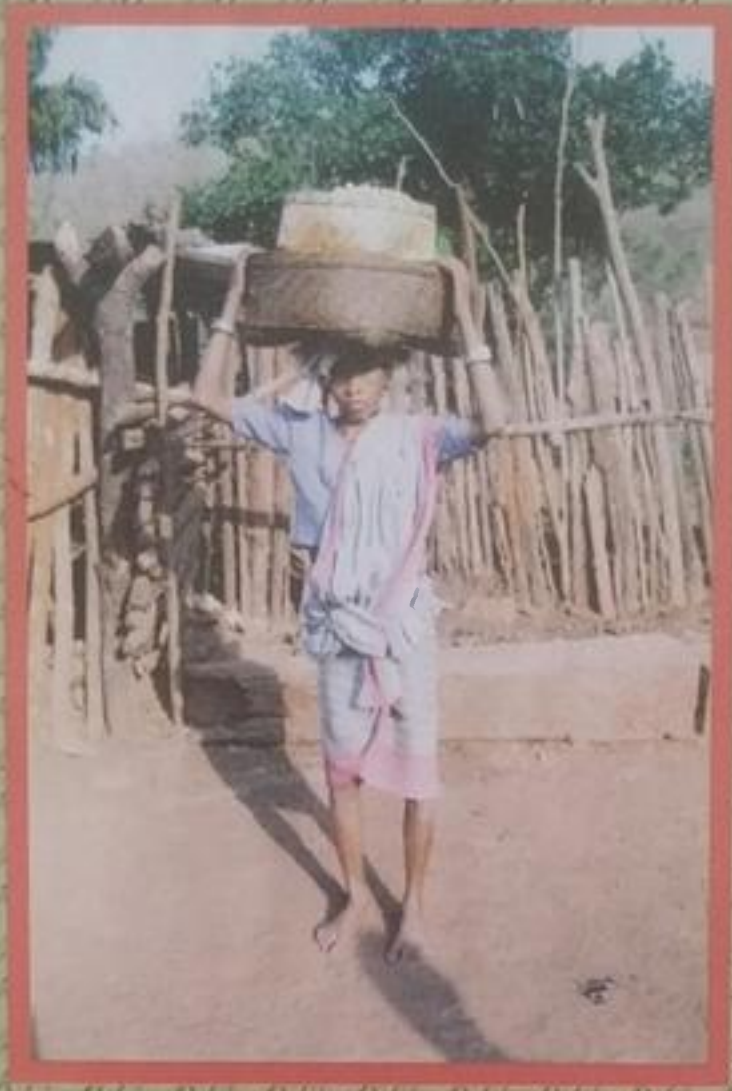


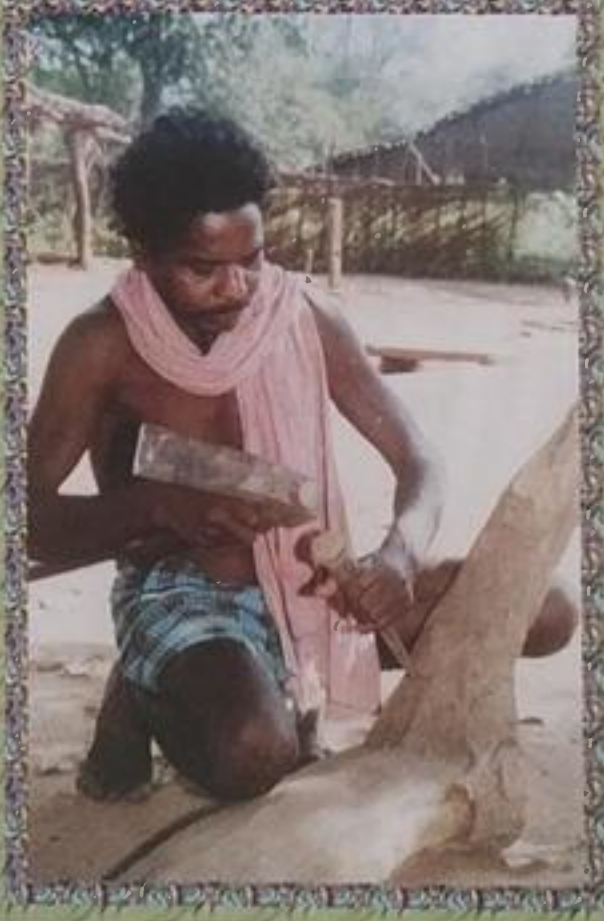
Bonda Man Going to Market with his Stock & Arms



















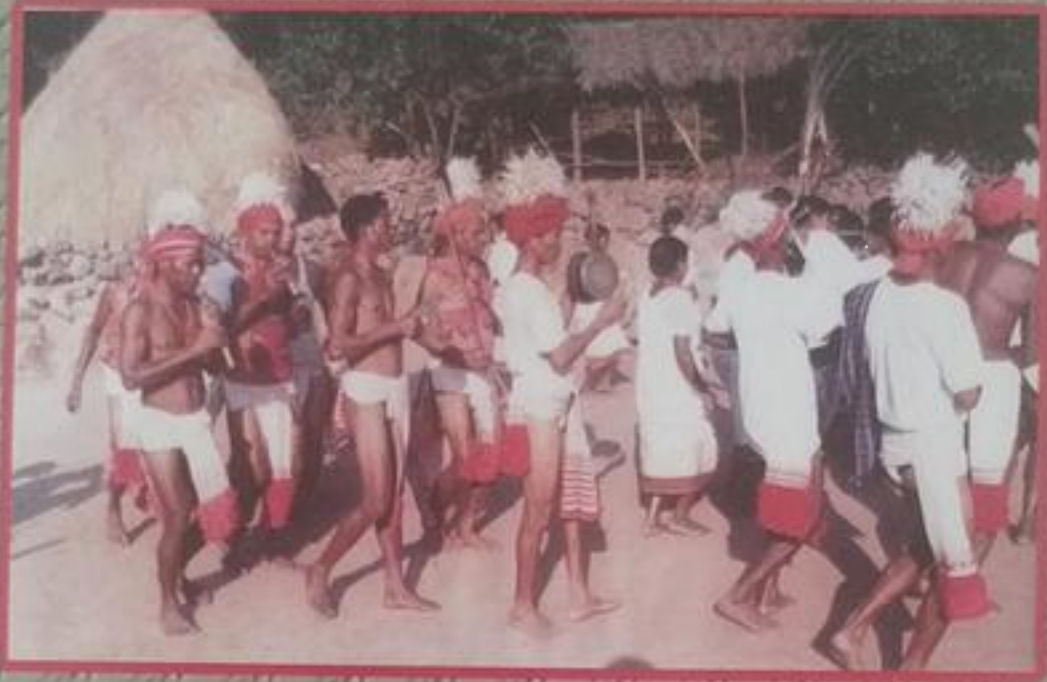
GRACE & PRIDE



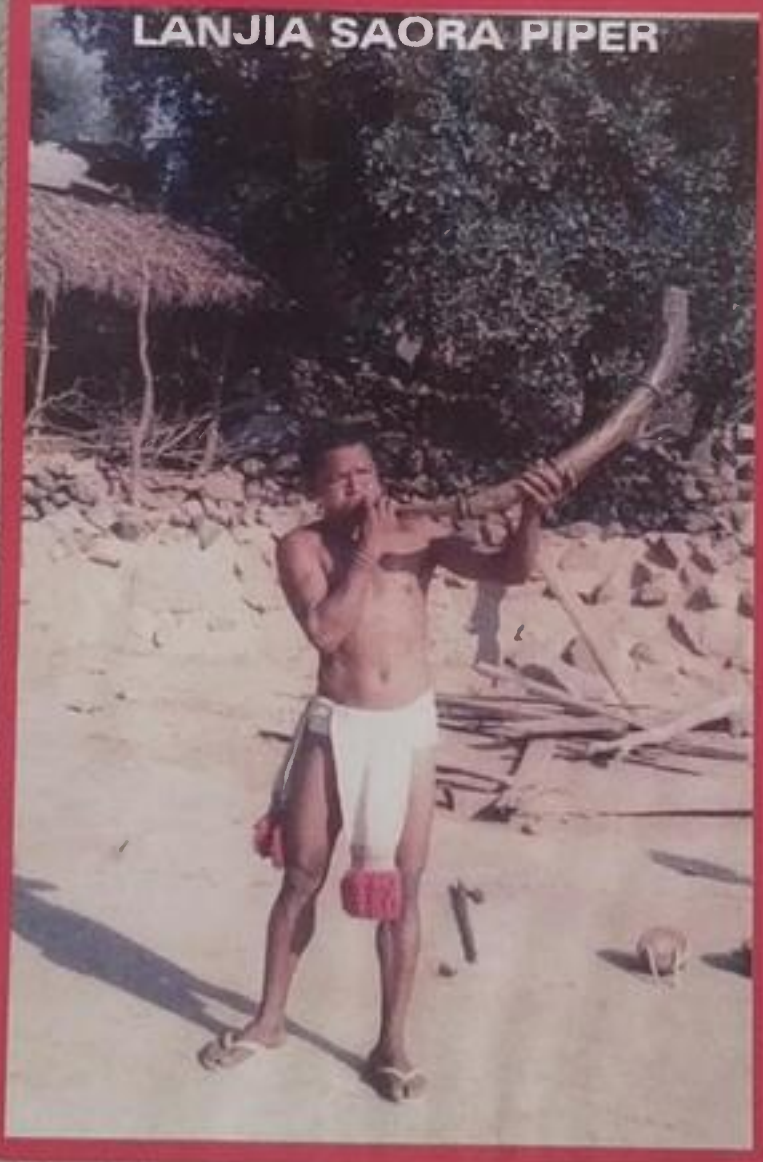
Lanjia Saora Lady

EAR STYLE OF LANJIA SAORA WOMAN



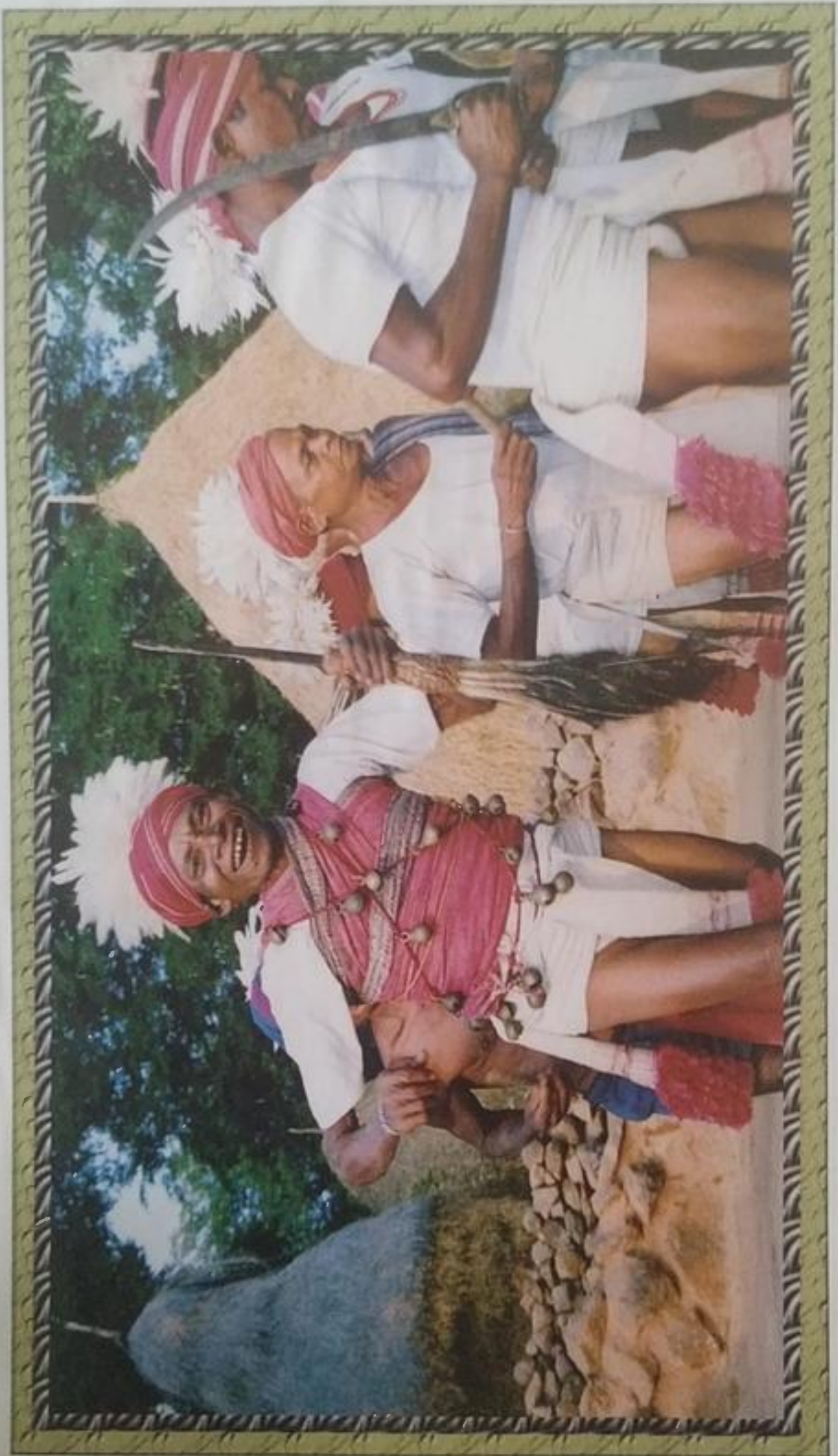


LANJIA SAORA PIPER











A large number of tribal communities inhabiting different parts of our country have maintained their cultural identities by virtue of their distinctive racial traits, languages, habitats, environments, life-styles as well as customs and traditions. Tribal societies, by and large, are folk societies where the indigenous cultural matrices revolve around oral traditions and endogenous value system and their customs and traditions still continue to maintain the code of conduct of the folks. Hence, it is said that the tribal folks are tradition-bound and custom-oriented. Study of tribal customs and traditions is, therefore, useful for closer understanding of their society and culture. It is also necessary for better administration and development of their area and people.

Our national policy emphasizes the need for exploration, documentation and preservation of time tested and useful tribal customs and traditions before they become obsolete and lost in antiquity succumbing to the onslaught of the forces of change and modernization. Therefore, with funding support of Government of India in the Ministry of Welfare (now Ministry of Tribal Affairs) the research project to study the traditions and customs of seven tribal communities, such as the Bondo, the Kutia Kandha, the Lanjia Saora, the Hill Kharia, the Santal, the Juang and the Oraon was taken up by the Scheduled Castes and Scheduled Tribes Research and Training Institute, Government of Orissa. In these studies humble attempt has been made to record various customs and traditions associated with marriage, family, divorce, adoption, fostering, minority and guardianship, property inheritance, and transaction succession and administration of law and justice.

The present volume, which is the first one in the series, relates to three important and colourful Primitive Tribal Groups (PTGs) of Southern Orissa namely the Bondo, the Kutia Kandha and the Lanjia Saora.