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DHODIA TRIBAL CUSTOMARY LAWS

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INTRODUCTION:

Dhodia is one of the numerically major tribes of Gujarat having population 3,56,773, according to 1971 census. It's major concentration is in Valsad and Surat districts of south Gujarat. It is also found in neighbouring diatricts of Maharashtra and Union Territory of Dadra and Nagar Haveli.

The Field work for the Dhodia customary law was carried out by a fresh Dhodia Arts graduate, after undergoing training at the Institute on tribal customary laws. The faculty consisted of senior research personnel of the institute, four post-graduate teaching staff members of Gujarati and Social Anthropology Deptt., and Hon. Director of the Institute of Urban and Cultural Anthropology, Ahmedabad. Besides one month long intensive training at the Institute, the fieldworker was provided with long field guide in Gujarati, covering various facets of tribal customary laws. The report is based upon his two months long field stay in a Dhodia village in South Gujarat.

DHODIA TRIBAL COUNCIL :

Traditional Dhodia tribal council consists of (1) Samsta jati panch (2) Chora panch (3) Village panch. In some Dhodia villages, village panch may be sub-divided into falia panch also. The Patel or Sarpanch of the village is mostly invited in all the falia panch meetings of the village.

The traditional panch deals with social quarrels, disputes, thefts, asrsaults and all other matters which the villagers feel fit to bring before the village council or falia panch.

The village council or falia council is of informal nature and generally the male head of the various lineages or families are invited in its meetings. Meetings take place in some one's house or under a tree or even in the street. Both the parties are heard by the panch and if they feel essential, testimony of other concerned parties also heard and after con-

sidering all the points, the verdict is given by the council, which is generally honoured. The parties are free to appeal to chora panch or samasta jati panch.

The expenses of bidis or tobacco and tea or wine is equally shared by the complainant as well as respondent.

VAHTALIO :

Vahtalio is essential in all arranged Dhodia marriages. 'Vahtalio' can be man or woman but mostly a man. According to Dhodia customary laws, the vahtalio should always be a married person. Vahtalio works as on customary middleman between the two parties in the marriage. He is given customary respect by both the parties. He takes the message from the one party to the other, regarding what ornaments are to be purchased for the bride, what are the arrangements for the dinner and tea etc. for the marriage party. His presence is considered essential not only at the time of "Chandla vidhi" or marriage ceremony but also at the time of Divorce. No divorce takes place without vahtalio. If, he is alive, he must remain present in such cases. Such is the importance of vahtalio in Dhodia customary law.

MARRIAGE :

At present, among Dhodias only following marriage practices are observed.

- (1) Arranged marriage, which is considered most respectful marriage type among this most educated and acculturated tribal group of Gujarat. Formerly in this marriage type, the custom of bridal marriage party - Kanyani jan - was prevalent but now a days, under the influence of neighbouring Hindu tradition, this custom is totally banned by Dhodia tribal council, and only bridegroom party goes to bride's house for marriage, as among the neighbouring Hindu castes. Now a days, the marriage ceremony is performed by a Brahmin. The day, date and time of the marriage ceremony is also fixed in consultation with Brahmin.

(2) Marriage by elopment : When the bride or bride-groom's parents are not agreeing and giving consent to the pair, the bride and bride-groom may run away to some kins house, and start living as husband and wife and subsequently accepted by the Dhodia society as such, after performing certain ceremony.

(3) Marriage by capture :

This practice was formerly prevalent among Dhodia society, wherein, the bride was forcibly abducted from farm, forest or fair by the claimant and his friends; kept in custody at some secret places for few days and after due consultation and payment of heavy fine, accepted by the Dhodia society as husband and wife.

DIVORCE :

As among other tribal groups, among Dhodias also divorce is permitted social practice. Following are the reasons for granting divorce generally.

- (1) If the husband beats his wife so often.
- (2) If constant quarrels occur between the husband and wife.
- (3) If either party commits adultery.
- (4) If either party is impotent.
- (5) Any other reason, which in the eye of traditional tribal council is worthy of granting Divorce to the parties.

When request for granting divorce is made before the tribal council, both the parties are summoned before the council. The presence of the husband, wife, their parents, and Vahtalio is essential and customarily compulsory in any deliberations about divorce. Before starting the hearing of the case, two arbitrators are fixed by both the parties. First

of all, the husband and wife are heard then their parents are also heard and after due enquiries the council comes to a conclusion but before that the arbitrators are consulted. No decision is considered valid without the written consent of the arbitrators. If the arbitrators of both the parties do not give their consent, the council may have to meet again for second or even third time.

If the Divorce is granted the tribal council decides, which utensils and ornaments are given back to the wife and when.

Now a days divorce cases are taken to legal courts also.

DEATH :

When a person dies, its body is put on the floor, in such a way that the head remains in north direction. An earthen lamp is lit, till the corpse is taken to cremation ground.

The corpse is made to wear new cloths and garland, red turmeric powder is sprinkled on it. The bier is generally taken by son or the nearest male relatives in the beginning. The chief mourner leads the party, by taking an earthen pot with fire. The bier is followed by the persons who takes the eating utensils and bowl-loto, of the dead person, and its mattress, cot and mat, which is left when bier reaches outside the village. When the bier is taken out of the house, the legs of the corpse is kept ahead, while when it reaches outside the village, the head of the corpse is kept ahead.

The corpse is cremated on the cremation ground. Coconut are broken and kept on the corpse. The fire is lit by the chief mourner. Each individual contributes paise 25 in contribution made on the occasion and given at the house of chief mourner. All take bath, wet their cloths and come to the house in wet cloths. The ashes get washed in river water.

On the seventh day, hairs of the male lineage members get cut. On the twelfth day, the

villagers assemble for barma ceremony, which now a days is performed by Brahmin, instead of Nayka tribal.

The Brahmin guides the chief mourner in putting pind. The chief mourner wears only a dhoti cloth, while putting a pot near the pipal tree.

A heifer (a young cow) is brought and her tail is washed with Darbha and a coin and put on head or forehead by each one individually. Then Brahmin and Bhangi are given donations. All are served with tea. Only after this ceremony one can put on a cap or can cover one's head with a towel or Paghri. Then a meal is served to all, after taking it, all return to their home.

PROPERTY AND INHERITANCE :

The Dhodias are patriachal, partilocal, patrilineal; so son inherits the father, Diference is observed in favour of a male child. Full blood relations are always given first preference to half blood relations.

The Dhodia property includes land, trees, house, as immovable property and animals, ornaments, cash as moveable property. At the time of division in the property, equal share is made among the co-wives of the person, and then equally distributed among the sons of the individual. According to Dhodia customary laws of inheritance, no share is given especially to the daughter, except in the special cases of Ghar-Jamai or Khandhadio. In the cases of Khandhadio, the daughter can inherit the land of her father, but it is not always in an equal share, as one's sons get. It may be little less than what the sons get.

EX-COMMUNICATION :

The Dhodia traditional tribal council can ex-communicate any person of Dhodia society, till the person concerned reports and pays the prescribed fine or gives community

dinner to the villagers or panch as decided by the panch. While dealing the cases of ex-communication, the jury of five members is made, which hear the tribal and the verdict of the jury is put before the villagers for their approval.

The ex-communicated person is socially boy-cotted, and he is not allowed to participate in any social or religious functions of the Dhodia society. He is not given fire or offered water in the village. Such person is known as "Unchaki Mukelo". A person who has been ex-communicated, no marriage relations are permitted with such person. When such person requests the concerned traditional tribal council, pays up the fine, and gives the prescribed dinner party to the village or tribal council, he is taken in.

MAINTENANCE :

The right of maintenance has got a definite place in customary Dhodia laws. The minors have right of protection and maintenance from their parents or guardians. Similarly, the older people have right of getting proper care from their sons or inheritors. The wife can claim alimony from her deserter husband. The amount and mode of payment and instalment of payment is fixed up by the tribal court, looking to the circumstances of each and every case.

CUSTODIAN :

One can keep any body's property in one's custody with one's socially accepted concept. Custodian can not sale the thing, nor can he use it in such a way that it violates the right of its rightful owners. All the subsequent increase in the property of the thing in custody- (through birth in case of animals and through interest in case of cash money) is its rightful owners and this right must be obeyed by the custodian. Similarly the loss is also considered that of its owner, unless it is proved otherwise, due to gross negligence of the custodian.

GUARDIANSHIP, MAJOR, MINOR :

The concept of Guardianship, major and minor are there in traditional Dhodia society. No specific age limit is fixed in traditional Dhodia thought system for attaining a majority, but a married youth, is considered a major. The girl attaining puberty and fetching full water pot is considered, a major though, in her case the guardianship of father, husband or son is considered essential throughout her life time. The idea of protection is also embedded with the concept of guardianship and it is well reflected in the guardianship of female. Guardian should be always senior in age to his ward and should be in ascending generation. In case of males, Guardian can be male or female.

ADOPTION :

Adoption from any lineage or kul is permitted in Dhodia society. The childless person, after crossing the age of forty, can adopt any individual, junior in age to him. Boy or girl any one can be adopted as son or daughter respectively, e.g. Manibhai of Kukeri village, adopted the daughter of his brother-in-law (wibrada), whose Khandhadia was brought subsequently.

No consent from the lineage is essential for adopting any individual, however the consent of the husband and wife of the adopter is essential.

Adoptee should stay with adopter and he has to sever his/her connections with former parents though occasional visits are always allowed. Adoptee is the rightful inheritor of his adoptee parents and even in cases of an issue, after one is adopted, he continues to have his rightful share in all the property, the adoptee has. Adopter on his own, cannot dispossess an adoptee after the adopter gets an issue after adopting. In Dhodia customary laws no written documents are generally made and only oral binding prevails.

THEFT :

In Dhodia customary laws, theft is considered, one in which illegal deprivation is made of a thing is made from its rightful owner or possessor by another individual through socially unacceptable ways.

Generally cases of crop theft, grass theft, agricultural implements theft, or cloth or ornament theft etc. are reported before the tribal council. It listen to both the parties. Generally they beat the thief and make him to return the thing with additional fine. However if the thief is not in position to return the thing in toto, he is made to give due compensation besides the fine. The thief is generally beaten by the tribal council members and if the complainee so desires, the Police complain is made, the courts decision is generally accepted in toto or in part by the council.

RELIGIOUS BELIEFS :

The Dhodias classify their Gods and Goddesses into clean (chokha) and unclean (Mela). The clean Gods are those, before whom no sacrifice of Goat, sheep, chicken or any animal is given or permitted, while unclean or mela dev are those before whom such sacrifice is obligatory or permitted.

The Dhodias believe in many Hindu Gods and Goddesses - i.e. Ganpati, Shanker, Hanuman, Amba etc. All these Gods are clean Gods. Bhavani (Bhuvani), Bamanio Bhut, Simario Dev, Kakabalia, are mela (unclean) Gods/ Goddesses and are worshipped by sacrificing animals before them, so these are unclean Gods.

Dhodias have another classification of their Gods also. That is (1) Gods of the House (Lit. Gharna Dev) and (2) Gods of the outside House (Lit. Baharna Dev).

Kansari Devi, the deity of grains, the main substance of life, is considered the deity of the house, while the deities of wind, rain and sun God are considered the outside Gods.

There are certain Gods which have specific functions, i.e. Khetarpal as its name suggests protects the fields. (It is also called Simario deo) - The Vaghdev Protects the animals while grazing.

Besides these Gods, Dhodias have their clan deities also, which are considered the deity of the clan, and which help them in regulating their social relations. Dhodias observe kul-exogamy. More than hundred such kuls have been noted by researchers.

Dhodias also believe in spirits, witchcraft, sorcery, black magic and ancestor worship.

Majority of the Dhodia Gods are made of stone but some of them are of wood or of clay. Especially among the Gods, made of stone, actual images in case of some Gods (i.e. Bamanio Bhut or Simario dev) would not be there. Only in simple stone, in which the priest feels that particular God would be invoked could be installed, and after prescribed ceremony, that stone is worshiped as the image of a particular God. Thus, it is conviction that matters rather than the form.

The Dhodias observe almost all the major festivals observed by neighbouring Hindu castes i.e. Diwali, Makarsakranti, Holi and Janmasthanmi, Ganpati Choth, Navratri and Vaghbaras. Some of these festivals are celebrated in distinct Dhodia way i.e. the date for the Vaghbaras is decided by Dhodia village elders, taking in account the local situation of the village. This festival is considered the biggest and most important festival for the animals. On the Dhanteras day, which always correspond with neighbouring Hindus, they do not borrow or give as a credit money to any individual.

CASE REGARDING ANIMALS :

Dhodias are agriculturist and most of them also keep some animals. The type of cases which are put before the tribal village council are as follows :

- (1) Severe beating of animals.
- (2) Physical injury on some part of body of some animals, including breaking of leg.
- (3) Cases of death due to beating or on account of injury done to the animal.
- (4) Damage or destruction of crop by some body's animal.
- (5) Any other damage due to or by some body's animal.

In such cases, both the parties are heard by the Court, Physical verification is made to assess the damage done and then the jury comes to its own conclusion, which is announced in the meeting and in most of the cases the decision is accepted by both the parties.

QUARREL :

In Dhodia tribal court, especially village council, complains regarding abusing by some party is made. In such cases both the parties are heard, reasons for abusing also made known to the council and some pretty fine is made to the guilty one, though, in most of the cases simply scolding or warning to the guilty for not to indulge in committing such mistakes again, by the senior member of the jury is considered enough.

MORTGAGE MORTGAGEE :

As the Dhodias are living in neighbourhood of the Hindu caste and alongwith other agriculturist castes like Patidars and tribes like Chaudharis, Koknas and Gamits are also in direct contact with money economy since at least two to three generations; in greater proportion by now, the concept of mortgage, mortgagee and mortgager has made inroads into their economy as well. The Dhodias exchange or take or give on lease their land among themselves or to other agriculturist castes or tribes. Mortgagee can take interest for the period for which it is given. He can also take the product for the period for which mortgage article is in his possession.

CONCLUSION :

Though Dhodia is one of the most educated acculturated and highly hinduised tribal community of Gujarat, it has retained some of the basic traditional elements intact till this date and traditional tribal village council's decisions are still obeyed by the villagers in a majority of the cases, these should be allowed to function in its own way, so far as all social matters are concerned.