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**TRADITIONAL LAWS OF THE PATELIAS
OF GUJARAT**

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CHAPTER-1

INTRODUCTION

The tribals are an important section of the Indian society. The study of their social and cultural traditions, norms, beliefs, customs, laws and principles underlying behind all these, could lead us to show how and in what forms the general laws can said be applied to them without the least interference in their traditional rules and ways of governing the affairs of their own societies. Among the tribal communities settlement of dispute is done by the lineage and village elders according to traditional laws and customs of the community. The composition of the group of elders involved in adjudication could be expanded beyond village boundaries to the largest unit within which lineages and classificatory kinship are recognised. This pattern of adjudication by elders is still operative among the various tribal communities of Gujarat. They usually deal with the social and moral problems, disputes concerning theft cases, assault cases of inheritance, etc.

Although in recent times protection from police and courts are being sought by the tribals, there is still greater reliance on traditional method of adjudication carried out by group of elders on the line of traditional laws and customs. Unfortunately, the wider society does not recognise the traditional laws and customs of the tribal societies. Due to this, the tribals have to suffer a great deal because their traditional laws and customs are often in compatible with the statutory laws and its way of enforcement. On account of the enforcement of the statutory laws of the land, the tribals in general are put in a bewildered situation and they have to suffer a great hardship at the hands of those who enforce laws. Hence, there is an urgent need to incorporate the tribal laws and customs in the wider statutory laws and for its enforcement too, the traditional council of elders, should be strengthened. If this is done, it would have a far-reaching effect in saving the tribal culture from weakening and it would also save the tribals from the hazards which they have to undergo because of the enforcement of statutory laws on them.

In view of what has been stated above, it would be essential to make a comprehensive study of the traditional laws and customs of the different tribal communities and their traditional method of adjudication. The next task would be to codify the customary laws of the tribal societies on the basis of the above mentioned studies. The third task will be to know about the changes which the tribal themselves would like to bring in their traditional customary laws.

OBJECTIVES OF THE STUDY

1. To make a detailed study of the social and moral problems (marriage, divorce, sexual offences and adoption etc.) of the tribal societies and the ways to deal with them traditionally
2. To know about the rule of inheritance and succession and how it used to be enforced
3. To know about the rules regarding division in the property and rights and privileges of the family members
4. To have a complete grasp of how the adjudication of minor and major disputes is carried out
5. To understand the composition and nature of the group of elders who are entrusted with the task of adjudication and how far are they effective
6. To codify the customary laws on the basis of the detailed study of traditional laws and customs and ways of adjudication

In this context, Govt. of India recommended all the States having considerable tribal population to study tribal customary laws in its entirety including tribal customs, rules, social sanctions, norms and traditions. In pursuance of this, an expert committee of Social

Welfare Department recommended the compilation of tribal civil laws. This work was assigned to the Tribal Research and Training Institute, Gujarat Vidyapith. The Institute decided to study all the 10 major tribal groups in the State and also two of the Primitive tribes. The present report is on the Patelia tribe.

Patelia is one of the scheduled tribal community of the State which has been selected for this study. Total population of the Patelia tribe according to 1971 census (the latest available tribewise figure) is 48769. Though it is spread over 48 talukas of the State, its major concentration (92%) is in Dohad and Limkheda talukas only of the Panchmahal district. 77% of the total population of the Patelia is in the Dahod taluka itself, due to which for the intensive field work among them, Panchwada, a Patelia village from this taluka was selected and the present study is based mainly on the data collected from this taluka. The Research Investigator of the Project was a law graduate from this very community. Before going to the field he was given intensive training at the institute by the senior Research personnel of the Institute, for the duration of a month. An exhaustive field guide had been prepared by the Project-in-charge, covering the various aspects to be covered under the study. For collecting the data, two and a half month duration of field work was carried out by the Investigator in Panchwada and other Patelia villages of Dahod taluka. The Project-in-charge also made field visits to supervise the work and for gaining a first-hand knowledge by himself.

PATELIAS**ORIGIN**

Patelia consider themselves to be descendants of Rajputs and 'Pavagadh' as their place of origin. According to their legend, when Hindu Rajput King 'Patai Raval' lost his kingdom at the hands of Muslim invader Mohammad Begda, who had ordered massare of Rajuts. To save themselves from being killed, they had taken refuge in the thick forest of Limkheda and Dohad in the eastern belt where Bhils were living. Gradually, in course of time they adopted Bhil surnames, dress, language and as they multiplied, they spread over vast areas, not only of Gujarat but of even Madhya Pradesh, upto Mandavgadh, Jhabua, Meghnagar, Udaigadh, Alirajpur and Dhar. In these tribal belts, they emerged as a leading agricultural tribal community. Some of them also worked as 'Patel' or village head men in these tribal villages. In some cases it became a family name. Gradually this prestigious name was adopted by the whole community. To distinguish the community from the Patel agriculturist Hindu caste a derogatory 'Patelia' name was used by the neighbouring castes and today the whole tribe is known as Patelia in this region. Like the word Bhil, Patelia also is a blanket term and as identified by the research team, it covers at least four endogamous groups, residing in different regions of the State. They are as follows :

1. patelia group living in Dahod and Limkheda area, which is numerically largest group comprising 92% of the total Patelia population of the State.
2. Patelia group living in eastern belt of the Mahi river in Santrampur taluka of Panchmahals district in Gujarat, who do not have marriage relations either with the Patelia group of Dahod-Limkheda area or Patelias residing in western belt of the Mahi river in Santrampur and Lunawada talukas.

3. The Patelia group residing in western belt of the Mahi river in Santrampur and Lunawada taluka of Panchmahal district alongwith the Damors, with whom some cases of marriage alliances have been observed.
4. The Dangi Patels of Kodiavada village in Vijaynagar taluka of Sabarkantha district in Gujarat, who now, in order to enjoy advantages, privilege and concessions given to scheduled tribes, identify themselves as 'Patelias'. Since 1961 census, they are getting themselves enumerated as patelias but do not have any matrimonial relationship with any of the former three groups.

As mentioned earlier, among all these four Patelia groups, the Patelias of Dahod and Limkheda areas are numerically most predominant group. It is also a group residing in Dhanpur - Dhar Patelia belt, which is considered to be an area of real Patelias. The present study covers this Patelia group only.

Following Archer in this report, the principles of tribal law, which Patelias of Dhanpur - Dhar tribal belt accept as defining their civil rights have been dealt with. These principles are Patelia laws in the sense that they are observed in diciding their civil disputes. We have not tried to attempt a historical reconstruction; for we have neither the means of codifying indigenou Patelia laws nor it is true that the law is the same now as it once was. On the countary due to several factors such as spread of education, establishment of Bhil Seva Mandal in the areas, since early thirties, acculturation processes spread of 'Pranami' sect (a Hindu Bhakti-cult) and other forees of social changes, their major traditional legal views also have been transformed to a great extent.

In ordinary litigation, custom always implies a measure of antiquity. The legal title of customs to recognition depends on their certainty and antiquity. A custom to be binding must be unaltered, uniform, constant and definite. A custom to be valid must have been

continued and acquiesced in and must be reasonable and certain. It is not the sole factor governing the decision, rather it is only one ingredient of the Patelia jurisprudence. In settling disputes or punishing offences, a tribal court is moved not only by the ways in which similar disputes have been adjusted formerly or offences, punished but also by contemporary tribal attitudes. Normally the latter will reflect the whole body of local usage but at times, a degree of change in tribal attitude slowly displaces the rules of ancestors and in turn give rise to a new tradition of tribal practice. The new custom gathers force until finally a new period is reached in which recent usage again expresses tribal values. In such periods, the final basis for decision is never solely custom. The ultimate canon is the tribal view of "what is just".

But besides its incompatibility with vital growth, there is a further reason why custom is not in itself a final definition of Patelia law. In certain cases, the issue in question may never have been raised before. Custom in the sense of a body of approved precedence will be completely lacking and if the only standard of reference were previous usage, the tribals would have no way of deciding new disputes. Yet, in practice no dispute is even un-adjudicated and the reason is, even if there is no previous custom can be cited, the principles of tribal laws are known. Custom where it exists is only a guide to attitudes. It is the set of principles which a tribe accepts and applies that constitutes its law.

And if custom is only a part of tribal law, it none the least exerts a dominant influence on its principles. Tribal law like tribal poetry is a projection of all that the tribal values. Behind all Patelia decisions is a sense of the Patelia tribe as a whole and the effort of all tribal courts is to do justice in a manner that is vitally Patelia. This idea can be achieved only by a deep respect for previous decisions and traditional practice and in fact, when a village council meets it does not sit alone but sits with ancestors. Although, therefore, contemporary tribal attitudes are ultimately the source of Patelia law, there is often at any

one time and for the greater part of the law, little or no difference between recent usage and present principles. Equally when tribal attitude begins to differ from custom, the breach is not deliberate or conscious. The fissure first shows itself not in actual decisions but through changing usage. The change may first begin with consent of one individual or a few families. From this it may become the voluntary usage of a village. The practice adopted in some village influences others and only as local practice becomes regional usage, the tribal attitudes which had unconsciously inaugurated the change began to be conscious and deliberate. Indeed to many village courts giving justice according to this new value may have seemed the only known custom. Far from committing an act of revolution, they believed they were respecting the recent ancestors. It is because respect for previous practice and regional attitudes are consciously valued that Patelis throughout Dhanpur Dhan Patelia belt have a single integrated law.

CHAPTER - 2**SOCIAL STRUCTURE**

The Patelias are divided among a different clans know as Gotras. Many of them are like Rajputs such as Chauhan, Parmar, Solanki etc. Some of them resemble with the neighbouring tribe Bhils also. i.e. Bamania, Each clan has clan deity. In certain clan there are subclans also i.e. Among Parmar, Nana Parmar and Mota Parmar, Chotania Parmar subclans exists.

All Patelias observe subclan exogamy, so at the time of deciding to marriage pair it plays an important role. It also plays in deciding traditional power structure of the village polity. In internal fued many a time the parties are on clan or lineage line. So the clan has a definite role in traditional power structure.

Village Structure

Patelias live in scattered houses built on their own farms. These houses are in some villages clan wise, alongwith some exceptions of new relatives of the clan. The direction of the door of the houses are not prefered in North. East is most prefered direction, followed by West.

Patelia village consists of some falias. In most of the cases these falias are named after some physical geographical features.

Patelias and Bhils are numerically dominant tribes of the area under study. Even in some Bhil majority villages also, the Patelia Police Patel, Mukhi or Sarpanches, are not uncommon. Parelitas are considered as hard working agriculturist community of the area.

Patelia Traditional Council

Patelia traditional council is an important traditional law making and law enforcing

body of the traditional Patelia villages. Patelia law, as it now exists, is not an arbitrary creation of an individual Patelia. It is a collective product, the creation of the tribe itself. In one sense it is the highest common factor of recent village decisions. It is equally the matter outcome of regional views. In giving it a logic and pattern, each grade of tribal council plays a part.

In some family quarrels heads of the lineage assemble to solve the problems. If they cannot solve by themselves and if they need the help of the elders of the village, village panch is called, which includes Police patel, or / and Mukhi, Sarpanch and occasionally Bhagat of the village also. If the dispute is between two villages or which require the help of other villages, some mukhis, sarpanches, bhagats and others Patelias elders of the area are invited and after due consultation, they come to a decision. Now-a-days Patelias are having an apex body covering the Patelias of Dahod and Limkheda talukas which they call 'Patelia General Panch'. This apex body is of recent origin and have some characteristic of formal type while the lineage council and village council have the traditions of 'time immemorial'. It has descended from our forefathers since generations together as one Patelia leader remarked.

In the lineage council head of each household is called while in a village council, besides Mukhi or Police Patel and Sarpanch other important elders are also invited. Generally 'as panch is Parmeshwar, at least five members should be there'.

They hear both the parties. Generally first of all plaintiff is asked to put his case before the assembly. After hearing him, the defendants turn comes to explain his version of the case. Testimonies are also checked and heard by the council and if need arise in some cases on the spot checking is also made. After due consultation they arrive at certain decision and that decision is conveyed to the parties in the presence of all. If any

party is dissatisfied, they may appeal to the higher council, though in majority of the cases the verdict is respected and accepted in all faith.

The village council deals with mostly cases of civil nature but many a time cases of criminal nature or which are covered under IPC also traditionally covered by Patelia Panchayat. Petty theft, assault, physical injury, abduction of the girl for marriage by capture, beating, are some of the type of cases which are generally dealt with by traditional tribal council. Besides this cases of adoption, Guardianship, Khandhadio or Gharsamai, Gifftdeed, Distribution of property, exchange of land, etc. are also dealt with by the council.

The boundaries of the farm, payment of some prescription for the village fund, and the date of lessoring mahua flower for the different household, the village council has decisive role to play.

In traditional Patelia council joint drinking of Mahua beer was considered not merely a reward for mental exercise but a symbolic expression of strength. It proclaims the solidarity of the meeting. It blurs the ferocity of opposing points of view and 'rattifies an order in the heart'.

CHAPTER - 3**PREGNANCY AND MARRIAGE**

The Patelias believe that through intercourse the woman may get pregnant. Sexual relations between husband and wife are only legitimate relations. All other relationships are illegitimate (Ada sambandh). The fact that the newly wed bride has been conceived is generally known by her husband, mother-in-law, elder brother's wife or/and mother and it is considered an auspicious occasion, though there is no special ceremony named 'Agharni or simant' (Baby shower) which is found in neighbouring Hindu castes.

During the pregnancy the woman is not allowed to eat 'cold food' as it does not help in labour-pain. Patelia woman is generally engaged in agriculture work till the labour pain starts. An experienced traditional Patelia midwife from the village is called. "Experienced woman" of the household, lineage also remain present to help her. Generally the delivery at house is preferred and in time of crisis, household medicines are used, though now a days in some exceptional cases some allopathic doctor may be consulted as a last resort. The Umbical cord is cut with some rusted iron instrument may it be sickle, arrow or knife. The house get polluted for three days. On the third day the house gets cleaned, cowdung is spread, in flour 'Sathia' is made, a small heap of corn is made, on which bowl full of water is put and on that coconut is put. Then old lady of the household or male older member lit the earthen lamp and by arrow he/or/she welcomes the new arrival.

As Patelia society is patriarchal, patrilocal, patrilineal, boy is always preferred to girl though parents with 'many' sons may prefer girl. Paternal aunt (Fui) performs naming ceremony. She makes a swastick mark in the floor, they make a heap of grain on which she puts a 'lota', full of water alongwith a coconut on it. Then earthen lamp is lit. She rolls the child on the grains and while doing this she tells his/her name. Then she takes child in her

lap. She is given clothes or an ornament. This expense is borne by the father. A small feast for sister's children and other children of the household or lineage is also arranged. Among Patelias this ceremony is known as "dungar dhalva ni vidhi".

Marriage

Marriage is considered most essential and almost an unexceptional event in an individual's life. Formerly among Patelias practice of 'ghodialagan' - cradle marriage was widely prevalent. So consent of the bride or bridegroom was not essential. Now a days, girl generally gets married at the age of 15 and boy at the age of 17. So child-marriage is still the order of the day.

Proposal is always made by the father of the boy through a middle man called 'Bhanjgadia'. While putting proposal it is always seen that the girl should not be in near relation from Father or Mothers side. She must not be from mother's lineage. As Patelias are divided into different clans, and as they observe clan exogamy, she must not be from the father's clan. Village exogamy is preferred but not essential and so many a time observed in breach. Generally the boy's reputation, appearance, house, family history, land and prestige in Patelia society are the main considerations. While for the girl, her beauty, expertise in the household and agricultural works are the qualifications of worth consideration. Though equality in age is preferred in some instances, for household work and agricultural work older bride is also selected.

Bride-price is always taken among Patelias however nominal it may be. It is not fixed. It varies from 0-25 paise as a token bride price to Rs. 250/-. Sometime alongwith the bride price which is known as 'Dej' among Patelias, some grain like wheat, maize, jowar or millet and ornaments also are taken by the girls father. Enquiry about Dej is the sign of the acceptance of the proposal by girls father and it leads further the boy's father for betrothal or Sagai.

Sagai-Betrothal

According to Patelia customary law, for betrothal cannot go on Sunday, Saturday and Monday but Tuesday and Thursday are good days. Similarly, when moon is in Scorpio's mouth, one should not go for betrothal. Number of other omens and ill omens are also considered at the time of betrothal. The betrothal party is well received by the bride's party. The middleman requests the elders of both the parties to start betrothal ceremony. On receiving their consent, from the groom's party, groom's elder brother, younger brother, uncle or cousin gets up, puts on his cap or turban and comes forward to do the ceremony. He goes in the veranda of the house. He keeps jaggery in his hand and sits on a seat (Patla) given by the bride's side. From the bride's side, bride's mother or sister-in-law or aunt puts a vermilion on his head. He puts Rs. 1.25 in the dish in which rice and earthen lamp full with ghee is there. Along with he also puts in it Rs. 1.25 or Rs. 11.25 or Rs. 25.25 whatever is fixed. Women sing songs on this occasion which sometime are obscene ones. The bride is called, a saree is kept on her shoulder, a coconut is put on her hands along with Rs. 1.25 or Rs. 11.25 and jaggery or penda which is later on distributed among all as a 'Prasad'. At the end, dinner party is given and after this dinner or lunch party, betrothal ceremony is considered over and they return to their home.

Marriage ceremony

After betrothal ceremony both the parties together consult Brahmin and decide on what day and date marriage should be fixed. Accordingly dates for other relevant ceremonies are also fixed, which includes, Ganesh or actual beginning of the elaborate marriage ceremony days Vana, Mandap and other days.

The first day of the marriage ceremony is Ganesh. On that evening or night, clan-deity is worshiped and invited by the head of the household for blessings. First of all he

gets bath and get himself cleaned. On the front wall, a place is selected for drawing Gotraj. Generally it should be east faced. At the height of 2' to 3' by mixing vermilion into ghee, verticle lines are drawn. The number of these lines differ from clan to clan. In some clans it may be five, in some six while in some it may be seven. Then on the four corner, Ball of jaggery also are fixed, which are tied by red-white cotton thread Nadachhadi.

Before 'Gotraj' above mentioned painting a wooden seat is put on the floor. With red or white cloth the woodan seat is covered before bride or bridegroom's gotraj respectively. Small heaps of rice are made. The number of heaps may differ from clan to clan. On each heap a betel nut, coconut, earthen lamp and 0-25 or Rs. 1.25 are put. Sweet balls also are put there. On one side of the Gotraj, sword is put upside down while on the other arrow is put. On both the side of the wooden seat different types of grain are also put. The bride or bride groom takes bath, wears new cloths, bows before the Gotraj and sit on the floor before the Gotraj. The worshiper of 'Gotraj' offer 'food' on seven leaves - 'baj'. Then these seven baj are served to Bride or bridegroom, Fasich, Si, Easi, Cook, Sihua, Gotraj worshiper and the bride or bridegroom respectively. In Patelia marriage Gotraj worshiping is an important event and it is believed that if it is not done properly some calamity would fall upon the family. If they feel that the ceremony has not been done properly, they may do it again also on the second or the third day. This 'gotraj worship' is known as 'Ganeshni Vidhi' (lit ceremony of Ganesh) also. Jaggery is distributed and women sing the appropriate marriage songs. All guests are given dinner.

After Ganesh, the ceremony of 'Vano' is performed. The bridegroom or the bride on shoulder of some kinsman or friend is taken out to the dancing ground. The musicians lead the party. On the dancing ground they dance for hours together. Late at night, the bride or bridegroom is taken back on some kinsmans shoulder to ones house, where also in ones house or varanda-courtyard, the dance continue. Then the bride or bridegroom is

made to sit before the Gotraj. Termeric powder is applied to the bride or bridegroom. Women folk sing appropriate songs. The bride or bridegroom alongwith her/his friends sleep before the Gotraj on the floor. During all these days generally the bride or bridegroom does not sit on the cot. He or she cannot go to the kitchen. Generally he/she cannot go all alone any where. Somebody must accompany him/her. He/she can eat sweet things and that too after first serving to some friend. The word 'loondo' and 'loondi' is used for boy and girl friend respectively.

Early in the morning women asseble to sing the songs of 'Vanila'. For this, a lady of the household should go to each and every home of the Falia and invite them to sing the songs of 'Vanila'. The termeric is applied to the bride or bridegroom. The bride or bridegroom is made to sit on the shoulder of some kinsmen and made to dance.

Next morning, the preparation for marriage procession goes on for the whole morning. Generally the bridegroom wears bright new dress. He wears kamiz - white or coloured (but not black or blue), turban, Dhoti and shoes with socks or chappal. Without chappal also the bridegroom can go. He wears ornaments like necklace, rings of his own or from some of bis friends or relatives if he so desires."Kajal" is essentialy applied in his eyes so as to save him from evil eye. Bridegroom's sister and mother take alongwith them an utensil called 'Kaharhi gagri', headdress and ornaments for the bride. Male members of the family must take alongwith them some weapons for the defence i.e. bows, arrows and swords. The marriage party generally goes on foot alongwith the bride-groom. Sometimes be is made to sit on a bycycle these days on the way. Phuleku or marriage procession is taken out on the last 'Vana' day or a day before 'Mandva'. Musicians lead the procession followed by men, women and children. It goes on the main street of the Falia or the villages. Before the bride or bridegroom starts for the procession she must bow before gotraj. A canopy is always kept over the head of the bride or bridegroom. White Dhoti or

bed-sheet is used as canopy. It is held by four maidens when they get tired, other maidens can replace them. When the procession come near some plain dancing ground, they dance there. In this procession the bride or bridegroom can walk or taken up by some kinsman on one's shoulder also. When the procession returns the bride or bridegroom is received by her/his mother or paternal aunt. He cannot pass under the banyan tree. Whenever the party has to pass a river coconut is offered.

When the marriage party reaches the bride's village, it is received by the kinsmen of the bride. In some open space or in the field, the marriage party is given accomodation. The bridegroom never sits alone, he has to sit with his near kinswoman, his sister, aunts etc. one of his sisters keeps a 'lota' (spherical shape utensil) alongwith some solid pieces of salt. She keeps it moving after some regular interval. This is done in order to keep him awake, concious and to save him from some evil forces as one of my informant interprets it. Besides bridegroom must hold the sword downside up-the sword tail should be in his hand. He must continously keep it with him and he also should not look back towards his home till he is married. The bridegroom should not speak on the way. If he speaks he is fined by the village council.

After the bridegroom party settles down, the 'laganias' (members of marriage party) are invited by the bride's village elders. The laganias should be from the same clan. They go to the bride's house alongwith the saree, blouse and ornaments for the bride. They are received at the gate by the brides mother or elder brother's wife. She performs an arti. She makes tilak to the windowing fan (in which all these things are put), the cloths, the head dress and ornaments. Then these things are checked and accepted by the female members of the household. Then the bridegroom party is invited in the mandap. The party is received at the gate of mandap by a maiden who stands there alongwith pots, full of water. She performs tika on the forehead of the groom as well as Brahmin. She gives water

to the groom, which he drinks. Females of both the sides are fully engaged in marriage songs at this time. Slowly the groom marches towards the mandap and stands on a wooden seat while is put up at a fixed place in mandap. The would be mother-in-law of the groom, receives him under the mandap by performing tilak to him on his forehead. Then she holds the hand leads him to a wooden seat or chair. He is made to seat there. The ladies of the marriage party also seat around him. They are busy with singing appropriate marriage songs, Brahmin is busy in chanting mantras. He receives Rs. 0-50 np. for the laga (tax) of this ceremony. This amount is given by the bridegroom party.

The bride is brought to the marriage mandap by the meternal uncle of the bride. She is made to sit on the left side of the groom. Her friends and sisters sit around her. The Brahmin shouts for 'Kanyadan' and different relatives of her gives her utensils, ornaments etc. even cows and goats are also given in kanyadan. The Kanyadan songs are sung at the moment. The Agnates of the bride and bridgroom will perform the ceremony of applying turmeric powder on the chin of each other. First they do to each other sitting only, then they get up and meet each other in a ceremonial way. Then they rub the turmeric applied to their chin to other kins with their hands. This rite is performed by five to seven agnates on each side.

Then the bride and bridegroom take seven rounds around the fire according to the instruction of the Brahmin. As this most important rite of the marriage completes, the Brahmin loudly calls the mother of the bride to give the bride and bridegroom their dinner. So the mother of the bride, comes in the mandap alongwith the 'Kahar' (a preparation of wheat flour, ghee and jaggery) in which the same item, given by the bride groom's mother also is mixed. In the presence of Brahmin and both the parties a morsel is taken from the dish to the bridegroom and bride respectively. Then water is given to wash their mouth. Hands also are get washed. With this the main ceremonies, which should be performed

under the mandap ends. Marriage feast is served to bridegroom party. Then both the parties take part in a ceremonial mix dance.

Then elders of the bridegroom party are invited to give 'depa'. Both the parties sit on a white cloth. Tea is served by the brides father. Brahmin announces the 'lagas' (taxes) to be paid by the father of the girl, and according to his announcement the amount is generally given by the father or his appointee. Now a days these tax include marriage fee of the Brahmin (Rs.11/-) Wijra or gatrada tax (Rs.2), Mahadeo or a temple tax (Rs.5) school tax (Rs.5) youth association or tribal council tax (Rs.5). All these taxes are paid by the bridegroom party. At the end, the Brahmin also takes special tax of settlement of dapa; which varies from Rs.2.25 to Rs.5.00. If any party has done any fault, he must pay the fine. which is also get settled on this occassion.

Early in the morning the bride and bridegrooms are again brought under the mandap. The headdress also they have to wear. Both are given wooden seat on which they sit. The bride's mother does (tika) mark on the forehead. Water is sprinkled over them and then the bride, and the bridegroom are given ceremonial sendoff, where each relative meet the other in a traditional ceremonial way. When the marriage party returns to its own village, bridegroom does not go to his house, but stays at some relatives or clanman's house. After making some initial preparation, the bridegroom and the bride are invited before the gotraj where they are ceremonially received by the bridegroom's mother. When they bow before the gotraj, a dish full of water is brought before the bride and bridegroom and one rupee coin is put into it. Then both of them are asked to take the rupee. Five chances are given. And out of these who wins thrice is declared winner and more active. Then the bride bows the elders and kinsmen of the house, who give her some cash amount ranging from Rs. One to Rs.11/- or so, depending upon ones economic condition of the kin. Some relatives give even ornaments or some domestic animals like cows, goats also are given.

The Bride and Bridegroom are given ceremonial lunch or dinner before gotraj. At this moment also the dish of the bride gets stopped (Kanyanu bajdu rokay chhe). She does not take her food. She is asked by the elders, why she is not taking her food. In reply her wish of an ornament or cash amount is conveyed to the elders, on granting her wish, she takes her food. With this the marriage ceremony ends.

Ana

On the fixed day, after two three or four days a few relatives of bride comes who are greeted, given a feast and alongwith the bride they return to their village. Where they are received by the bride's mother, father and other relatives. After few days the bridegroom, with his two or three friends comes to bride's house to take the bride alongwith her, when he is also given a feast and ceremonial sendoff. This ends all the ceremonies of the marriage.

MARRIAGE

In all among the Patelia tribe under study the following marriage types are found :

1. Kaydesar lagan or the marriage type fully and logically approved by the tribe, which is most elaborate and prestigious of all the marriage types and which involves the kinship obligation to be fulfilled in quite detail.
2. Marriage by elopement : Where without the consent of the father, mother and kinsman (any or some of them) the boy and girl run away to some kinsman's house and after due consultation they are accepted as husband wife by the society.
3. Marriage by capture : Where against brides' and her parents' wishes, (or in some cases with her covet wishes) she is forcibly taken away by the bridegroom, with the help of his friends and after hiding for a few days in jungle or in some near relative's

house, with due consultation and after paying relatively exorbitant bride price they are accepted as couple by the society.

4. Ghar Jamai marriage type : In which alongwith due consultation and consent of the father and mother the bridegroom is ceremonially taken to bride's home and whose marriage expenses are borne by the bride's father and who is given a share in land after few years of their marriage.
5. Gharvat marriage type : In which economically poor or chronic bechelor Patelia man is accepted by the widow as her husband, who look after the agriculture work and children of the family and ultimately who gets the share in the property of his wife.
6. Remarriages of various types : In which either of the party may be divorced, widow or widower or unmarried.

All these marriage type are socially accepted and ultimately all result in almost equal rights and duties.

CHAPTER 4**OTHER AREAS OF TRADITIONAL LAWS****Divorce**

As stated earlier among Patelias divorce and remarriage are permitted. The reasons for granting divorce are as follows :

1. Physical torture including beating by any of the spouse
2. Importancy or sexual mal adjustment
3. Continuous domestic friction
4. Any of the spouse remains sick or bed ridden for many years - prolonged sickness
5. Any of the spouse is lunatic, mentally retarded, indolant
6. Any of the spouse has extra-marital relation
7. Witchcraft or sorcery
8. If only female issues are there or no issue is there for many years, a husband can divorce her wife by giving her maintenance. Divorce can be granted by the 'Panch' after going through all the aspects.

Inheritance

The Patelias are patriarchal, Patrilocl, Patrilineal tribe so deference for the male in majority of the traditional tribal rights is quite discernible.

Patelia property consists of moveble and immoveble properties including house, land, trees, dresses, ornaments and part of some black magic also.

The inheritance rights of sons in father's property are of deferential type. They can inherit the property but daughters cannot. Generally daughters donot get their share,

especially in immovable property though their right of maintenance in absence of son or husband or inlaws are definitely there.

Though a Patelia daughter can receive her mother's ornaments or her mother's personal property by gift from her mother but land can not be transferred to her, according to Patelia customary laws unless her husband is Ghar Jamai.

In succession, heirs related by full blood are preferred to those related by half blood. A child in the womb at the time of the death of a person, will have the equal right, if he is a boy, Posthumous boy will have equal right as his full brothers.

Maintenance

A Patelia is under social obligation to maintain his wife, his minor sons, his unmarried daughters and aged parents in any circumstance whether he has any property or not. A widow is entitled to be maintained both out of separate property of her husband as well as out of the property of which her husband was a co-parcener at the time of his death. A widowed daughter-in-law has likewise a right of maintenance against her husband's father or other relations. In all such cases, according to Patelia customary law it is essential that she should remain chaste and should not remarry elsewhere. Her children have right in Grand-fathers' property, provided their father was a co-parcener at the time of his death.

Custodians

Patelia have to migrate or move from one place to another in order to get a living or in pursuit of some better chances elsewhere or as a seasonal labour in some part of Gujarat or neighbouring States. (Sometime for longer duration also). In these circumstances, he has to give his land for earning to somebody, mainly a near agnatic relative, who can complain to Police Patel and Sarpanch, if it is not so done (and given to some one else)

who hearing both of them in village tribal council will give proper Justice. A custodian can not sell the thing given to him in custody. If these are ornaments, he can not wear them or can give others for the use, without consent and knowledge of the owner.

Guardianship

The Patelia society does have the idea of guardianship - 'Vali'. The concept of minor and major at certain exact age is not there but when a girl gets married, she is no longer considered to be a minor. The girl who can fetch 'Bedu' is also major according to some of my informants. Similarly the boy who can plough himself is also a major.

Father is considered the natural Guardian. So is the mother if she is not remarried, followed by elder brother, elder sister if married to Ghar Jamai, step mother if not remarried, Father's father Fathers mother if still active, father's brother and father's brother's son.

Guardian is the trustee and he is responsible for the welfare of the minor. He should provide food, clothing, lookafter her/him in sickness and should also get her/him married. Guardian can sell the movable property but only in the interest of minor and before doing so he must consult the Agnates and village head man as well. Guardian also should see that all the property of his ward should be managed well and at east when he comes of age and he demands, he must make over to him in presence of Agnates and/or village council.

Adoption

Among Patelias adoption is a prevalent social practice. A man or woman can adopt a child provided,

- (1) adopter is married
- (2) he/or she is childless

- (3) he/or she has got the consent not only of the family but of lineage upto three generation.
- (4) the adoptee is from the same clan as the adopter is
- (5) Adopter has reached atleast the age of 40 years
- (6) adoptee's real father's, mother's and agnate member's consent has been received by the adopter.

After adoption ceremony performed before the Panch, where formal announcement of the adoption is done and some sweets distributed, the adoptee goes to the adopter's house and he enjoys all the rights and privileges of a real child and has all the obligation to that effect.

Death

Among Patelia, the dead body is cremated by the eldest son, father or brother respectively. While taking bath 'Kathla' ornament of the deceased wife is broken, which is sign of her widowhood. On the twelfth day of the death, Barma ceremony is performed. On that day all the near kith and kin of the deceased come to the deceased persons' house. This ceremony is presided over by the Brahmin of the village and all the important ceremony of 'Kagovah' and other 'Karam Kriya' are done, by the kin who has given fire while cremating according to the instruction's of the Brahmin. After this ceremony all the kin and friends ceremonially meet the chief member of the family and other relatives in the presence of Brahmin and give the chief member blue or other dim coloured bedsheets. After ceremonial dinner, they disperse, after leaving home of the bereaved host.

Witchcraft

Patelia believes in witchcraft firmly. In Patelia dialect, which is, it seems, a dialect of Gujarati; the word for a witch is Dakan; for male witch the word is Dakna. According to

Patelia traditional belief any major member after undergoing certain training can become a witch, though old persons or those who have lost their teeth can not become a witch. The witch can control some spirit and through them, they can do whatever they like' - A Patelia informant told me.

Witch can take any form and travels very fast. 'She can walk even in water', they said. 'Even fire cannot harm her. If she fears any thing; it is the Iron. She remains away from Iron rod. From the clutches of a witch, the victim can come out only through the help of a Bhuva or Bhagat, who performs 'Mandal' - an elaborate ceremony for the whole of night. During this ceremony, sacrifices of fowl a goat etc are given to different spirits; wine, and tobacco etc are also offered to the spirits. On the musical instruments like Damry, Tronga troso, Drumlet, Tambur, different songs are sang and if the Bhuva succeeds, at the end, he drives out the spirit of witch and makes free the victim out of villanious effect of the black magic, a Patelia informant told me.

A covicted witch is beaten by Police Patel or Sarpanch and sometimes she is compelled to leave the village. She may be the cause of serious quarrel in the village but cases of murder of witchcraft or death by burning etc. are not reported.

Dakan is more powerful than Dakna because she knows one more Mantra. Dakan has to observe certain rules. She cannot eat first or the last loaf. To obtain this knowledge she has to offer sacrifice of one of her nearest relatives i.e. son, husband, brother, father. She generally eats the lever of the victim. Her training can start on any day according to the convenience of the teacher and the taught, but 'Kali Chaudash' - The day before Diwali - is the best day of the year for this type of learning. One has to pass through many elaborate stages and at the end one has to after sacrifice, someone who is in very near relation as mentioned earlier. Only then one becomes really a witch.

CHAPTER 5**SUMMARY AND CONCLUSION**

Among the major tribal communities of Gujarat State, Patelia is an important tribal group. According to 1971 census, their population in this State has been 48,609, forming 1.31 percent of the total tribal population in the State. Their main concentration is in the Dahod and Limkheda talukas of the Panchmahal district. The Patelias are a distinct and separate ethnic group. They are, however, a hinduised tribal group because they claim their origin to the Rajput rulers of the Pavagadh. Another important factor for their rapid hinduisation is that majority of them have come under the influence of 'Pranami' sect which is a Hindu Bhakti-cult. There could be no doubt that since quite early time, superimposition of the culture-pattern of Rajput over their indigeneous tribal culture has taken place. For the sake of status enhancement, they designate lower status to the Bhils, considering themselves as descendent of pure Rajputs. On account of being hinduized, they procure the services of Brahmin priests to conduct marriage as well as death rituals. They are agriculturists having absorbed a great deal, both physically and culturally, many characteristics of a typically hindu caste community. They have also been able to have improved their position in educational field at a faster rate. According to 1971 census, the literacy rate among the Patelias has been 18.94 per cent. Amongst all the tribal communities of the State, their position in this regard is third, followed by Dhodias and Choudharys respectively. This also supports that they are a much acculturized tribal group in the State among whom socio-cultural changes have taken place at a faster rate.

The village Panch is the main structural unit of the Patelia political system in the village. A panch is composed of the older and wise persons of the village who are known for their impartial judgement in the interest of the village. Some elders now-a-days, who have wide contact with the Government Officials are also associated in the village Panch

organization. This is not a fixed organization with fixed membership. But whenever there is any social problem in the village, the affected party informs the elders and persuade them to take up his problem. A meeting of the Panch is called in which all the wise elders including the 'police patel' or 'patel', are asked to attend. Such a Panch organization mainly deals with cases of infringement of social offences, inheritance problems and also criminal disputes such as assault, etc. This Panch organization takes the responsibilities of maintaining law and order and ensuring justice to different families. However, in recent times, the voice of the elders has become less effective.

Thus, among the Patelias, the leadership in the composition of Panch was not institutionalized in a set of permanent positions with fixed powers. There was not tribal chief or clan chiefs but only non-hereditary elders who assumed power and performed some functions for social control in the society. Patricide and incest within the community were considered punishable only by the ancestor spirits. If an individual committed either of these crimes he would have to perform propitiatory sacrifices and peace making ceremony. These measures used to put restraint on an individual. Cases of conflict or rule violation were brought to the attention of the lineage elders who constituted the Panch body. This term did not refer to a council with a definite membership but to a group of elders whose membership would depend on the nature of the case being heard. If the case at issue was an inheritance dispute between two brothers, then several closely related patrilineal kin-men of their father would sit together as the lineage elders. In the case of an assault or witchcraft accusation involving two families, then all the older men in the village would be the lineage elders involved and would judge the case jointly.

The composition of the group of elders involved in adjudication could be expanded beyond village boundaries to the largest unit within which lineages and classificatory kinship were recognized, namely the clan, but this of course, did not mean that all the

elders of the clan actually heard the case. When a dispute arose between two groups of two villages or a group of villages, the wise elders of the villages concerned or area used to sit together to settle it. The laws which this council made to follow were based on the traditional norms and values of the society. And the decisions of the council were always acceptable to the parties in dispute. This council was constituted to maintain the social solidarity of the Patelia Community.

In Patelia community there is a leader among the lineage elders known by the name of 'Patel'. The offices of these leaders were hereditary in nature and they were mostly selected from the families who were the earliest settlers in the village. These village leaders were more powerful during the British period as certain powers had been granted to them by the authorities in respect of the maintenance of law and order in the villages of Patelia community. But they mostly used to work in collaboration with other lineage elders and decided cases according to traditional laws and customs. The 'Patel' was considered to be the Head of the village elders who used to sit together to deal with disputes.

As stated above, the office of the Patel was hereditary and it was considered to be a matter of shame and disgrace if the office of the Patel was snatched away from the particular family because of some reason. In case there was no son in the family of Patel or the son was of minor age, another mature man from the same lineage to which the Patel belonged, used to be selected by the villagers as their Patel.

Thus, the Patel and certain elders used to constitute the village Panch and whenever there was a dispute between two parties belonging to two or more villages, the respective Panch of each village used to sit together for coming to a decision. At the time of fairs, such as 'Gol Gadhedo' mela' at Jesawada village, the Panch of all the Patelia villages would sit together to assess the situation in their society and to take certain measures for maintaining stability and social solidarity of the Patelia Community.

The office of the Patel had become an institution by itself. After independence, the Patels were recognized by the Indian Police Department and they were entrusted with the job of reporting all criminal offences to the local police. In fact, he used to work as a liason officer between the villagers and the State. Due to his power and influence the villagers normally never used to go against the wishes of the Patel. But their role was reduced from setting disputes to an informant.

At one time, this institution i.e. the Panch was very strong among the Patelia community but they gradually began to disintegrate because of the pace of acculturation taking place among them. It has recieved quite a set back. Now, when the police department has reached them easily, much of the original task of the traditional council of the Panch has become restricted, as the country's law never recognized the decisions of the Patelias' traditional council. As such, the traditional Patelia's Panch do not go beyond dealing with social offences of the society. That is also because the Patelias, in general, do not like such cases to be treated by outside elements, such as courts or police. Due to this reason, the traditional pattern of adjudication by lineage elders is still operative among the Patelias. For them it is hard to accept the intervention of outside elements such as police and courts without upsetting their social order and value systems. Although social change has occured on a large scale among them, they still cling to the traditional social order and value systems and because of this reason the traditional council has still deep root in Patelia society.

In fact, the Patelia have made attempt to recorganized the Panch activities in conso-nance of the socio-cultures changes in their society. Quite recently, they have formed 'Patelia general Panch' with the main objective of strengthening the unity and social solidarity of the Patelias and to bring social reformation in the society. By social reformation the enlightened leaders of the Patelia community who organized this council should go

forward in every aspect of its development and should not remain backward. They want to do away with many things such as high bride price, excessive use of ornaments, drinking of mahua liquor, eating meat, etc. In the opinion of these enlightened Patelia leaders, who had already adopted Hindu way of life, these are great evils of the Patelia society. To carry out their programmes of social reconstruction they nominated members from nearly all the talukas where the Patelias are found. This greater council has been well organized and the spheres in which they mainly function are in the field of marriage, birth and death ceremonies. This organization is trying to bring complete transformation in these fields. It also settles disputes which arise between two families or two villages or likewise. But it mostly decides social offences. The members of the Patelia general Panch have great influence in their villages and the villagers in any conflict go to these persons to seek advice.

When the lineage elders or the Panch sit as a court, they have no specialized agencies to enforce their decision. Instead, they rely on (i) self help by the successful litigaont, (ii) General community respect for their age and legitimacy of their role (iii) Fear by the unsuccessful litigant of their power to curse and (iv) others invoking the supernatural sanctions of the ancestor spirits and village deities.

As indicated earlier, they usually deal with social and moral questions such as enticing away married women and daughters of a near relative, sexual offences within a clan, sexual relationships with a Bhil, Bhangi, Dhed or Chamar girl, Killing a cow or committing theft. Punishments inflicted by the criminal courts are also verified and enhanced by out casting on the offender's return to his village. Various instances have been observed of recent panch (lineage or village elders) action among the Patelias which clearly confirm that this pattern of adjudication by elders is far from obsolescent. Offences were punished by fines which were spent partly on compensating the aggrieved party and partly on drink and feast.

The lineage or village elders settle the dispute according to the traditional laws and customs of the Patelia community. A custom must by its very nature be ancient, unaltered and constant but the Patelia's law recognized current principles rather than obsolete custom. Seen this way, the custom is only part of the Patelia's law, a guide to attitude and therefore it does not constitute a final definition. Their law is in fact a set of principles which their society accepts and applies. For instance, one of the reduming features of Patelia society is that it does not have to deal with the problems of illegitimate children. Illegitimate children are readily absorbed into the Patelia community.

Inheritance among the Patelia community has been patrilineal. Property is partitioned after father's death. During his life time, married sons who maintain separate households, only get share in the land for their maintenance. When partition takes place, the eldest son gets a little more; Daughters are entitled for maintenance until their marriage.

The Patelias have a clearly defined sense of private property with reference to domestic animals and grain. They are not shocked at the idea of stealing each other's cattle. Theft of cattle among them is only more serious than the theft of goat or chicken in economic rather emotional terms. The rules of theft are relative to physical distance as well as to social distance. This means that cattle are carried away from distant villages, not from a village within the homogeneous area, and from families belonging to other clan.

Controlling the theft of movable property among the Patelias present two distinct problems : indentification of the thief and treatment of the theif once he has been identified. As there is no police force and no scientific method of detection the identification of the thief is difficult. The solution is the application of magico religious sanctions which are believed to affect only the theif himself and his family, although his identity is not known to the persons applying the sanction. There is a range of magical procedures used to frighten

thieves into confessing or returning the stolen property intact. Magico-religious procedures are also applied to locate the direction or in certain cases even the village proper to which the thief belongs. If the thief is identified and is convicted by elders for theft, he has to return that was stolen or an equivalent amount and provide liquor and a modest feast. If the convicted thief refuses to return the cattle, the owner can take them back himself with the moral support of the elders. If this fails, the entire village of the victim will be on bad terms with the offender's village and social intercourse between them will come to a stop. This amounts to bad reputation for the entire village of the offender which prompts the elders of his village to put pressure on the thief to confess the guilt and return the stolen property to the victim. This is followed by a feast provided by the offender in which the elders of both the villages participate. This feast is in the nature of peace making between the two villages.

The Patelias allow their women a great deal of freedom in their pre-nuptial period, but for matrimonial relationships they have a strict regard. They are jealous and possessive by temperament, passionate as lovers, suspicious and exacting as husbands. Although divorce is permitted in their societies, its frequency is not at all very high. Divorce is granted on reasons of laziness, impotency, extra-marital relationships, cruel treatment and barrenness. Adultery is a dangerous crime whose end cannot be foreseen. Among the Patelias, some cases of murder had occurred on account of the adulterous relationship of one's wife with another man. In the past when a husband killed the offender, he had to pay compensation to the family of the murdered man. Killing the lover of one's wife was not considered anti-social. But the aggrieved husband killed his wife's lover only when he caught him red handed. If he killed his wife's lover just on mere suspicion, the murdered man's relatives had every right to avenge by killing him.

Now-a-days the law of the country takes care of such murders; because no body has the right to take law in one's own hands. As the Patelias have become increasingly aware of the country's criminal law, many a times they go to the police to report about the adulter-

ous relationship of his wife with another man. The complaint is made against the offender, not against the woman. Thus, now-a-days a Patelia husband may no longer kill his wife's lover under any circumstances.

Traditional means of countrolling sexual behaviour remain effective at local level. Although the husband might go to the court, he would at once report the matter to the lineage elders and would urge for a meeting to decide the issue. If the offence was proved; the offender would have to pay certain amount fixed by the elders to the aggrieved husband as compensation. The offender is also required, to pay some money for liquor to the elders. If the offenders and the aggrieved husband's wife declare their decision to become husband and wife, the offender would be required to pay to the former husband double amount which the husband had paid as bride price at the time of their marriage. If a woman is unhappy, she can always turn elsewhere or go back to her parents' home. Women enjoy a degree of freedom among the Patelias unknown among the Hindu castes.

The pre-marital sexual offences are ignored by the Patelia society unless the girl becomes pregnant or has eloped with her boy friend. In both the cases the boy has to marry the girl and the boy's parents have to pay the prevalent bride price to the girl's parents.

In conclusion, the Patelias of Gujarat cannot be described as an extremely law-abiding group of people, many types of crime occur in their community. Although reliance on police and courts has increased, there is greater reliance on magical procedure and on lineage elders for the enforcement of cultural rules regarding sex, aggression, inheritance of property, adoption, etc. In recent times, there are number of points of conflict which arise out of the application to the Patelias of the statutory laws (I.P.C., Civil & Criminal Procedure Codes) and the Patelia's adherence to his customary laws. There has been disastrous impact of the imposition of the statutory laws on the Patelias. It has been instrumental in the erosion of the traditional system of the Patelia soci