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**TRIBAL CUSTOMARY LAWS OF CHAUDHARY TRIBE**

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## INTRODUCTION

Chaudharis are a scheduled tribe of Gujarat numbering 188273 according to 1971 census. Major concentration of Chaudharis is in Surat and Bharuch districts only. Songadh, Vyara, Valod, Bardoli, Mahuva, Mangrol, Mandvi, Valia and Vansada are the talukas where Chaudharis mainly reside.

Among Chaudharis the following sub groups have been found by various research workers on the tribe (Mehta 3933 August 1919, Bhatt, 1984). Nana Chaudhary, Mota Chaudhary, Valvaya Chaudhary, Pavagadhi Chaudhary.

The present work deals with mainly Mota Chaudhari and Nana Chaudharis, the two numerically major groups of the tribe, covering nearly more than ninety percent of the tribe.

The field work of the present research work was carried out by a fresh Master degree holder in social work, from the Gujarat Vidyapith. He belongs to the Chaudhari tribe, and lived in a Chaudhari village, right from his birth. He was given training in the methodology of research for the project at the Institute, for the duration of a month, covering different aspects of the tribal customary laws. The faculty consisted of senior Research Personnel of the Institute, besides a few experts from the Post-graduate department of Social Anthropology and languages of the Gujarat Vidyapith, who have done Research work on some aspect of tribals of Gujarat.

A hundred page field guide covering different facets of tribal customary laws was given to the field investigator, during his two month stay in the field. The report is based on the information collected by him.

## LAW OF SUCCESSION

The Chaudharis is a patriarchal, patrilocal, patrilineal community. As it is essentially a tribal group with a language of its own without a script, intestate succession is prevalent among it. Though the daughters can inherit the property of the father through the institution

of 'Khandhadia', deference is surely there in favour of the sons. So far a widow is concerned she generally takes only a limited estate, and in her death the property passes on to the persons known as 'reversioner' i.e. heirs of the last male owner.

Chaudhary inheritance law, however developed a special estate where woman's absolute proprietary rights are recognised. The concept of 'woman's own estate' is peculiar to Chaudhary law and its mode of devolution is governed by different sets of rules depending up on the mode of its acquisition and the status of woman at the time of death and the heirs existing at the time when succession to property opens.

Among Chaudharis, the relative by full blood, a re heir is preferred to those related by half blood, if the nature of relationship is the same in every other respect. Two persons are said to be related to each other by full blood if they are descended from a common progenitor by the same wife and by half blood when they are descended from a common progenitor by different wives. When property is inherited by two or more persons, they will take it ordinarily per capita and as tenants in common.

A child in the womb at the time of the death of a person who dies intestate will have the same right to succeed as if he or she had been born before the death of the person :

According to Chaudhary customary law, following heirs succeeds pre-vential heirs.

(1) The son, (2) the widow, (3) the mother, (4) the son of a pre-deceased son, (5) the son of a predeceased son of a pre-deceased son (great grand son) (6) the widow of a pre-deceased son (daughter-in-law), (7) the widow of a pre-deceased son of a pre-deceased son (son's daughter-in-law), (8) the father, (9) the daughter.

The kin who will inherit the property of a Hindu male on his death are the sons, the widow mother, unmarried daughters, or married daughter in case of Khandhadia, limited upto the share given to her in landed property, house, ornaments etc. If there are more widows than one, they get equal share in their share.

It is, however, possible that a son or daughter may have pre-deceased his or her father. It is, therefore, provided that if a son has pre-deceased his father, his widow i.e. the daughter-in-law and his sons and daughters will take equally between themselves the share which would have gone to the deceased. Similarly, if a daughter had pre-deceased the father, her sons and daughters will take equally the share which would have gone to her.

Propinquity (i.e. proximity by blood relationship) is the ruling doctrine in Chaudhary inheritance law. Devolution flows a simple course irrespective of the fact, whether the property was concentrated or self acquired. Each member of the joint family acquires by birth a right in the ancestral family property as co-parcener (or partner by birth) and the rule of survivorship prevails with respect to succession. The family is a single entity and each member becomes a partner in group by birth. All the male members of the joint family the father, the sons and the grand sons become coparceners i.e. sharers in the joint family property and they hold their right as tenants in common with the rule of survivorship. Before partition the share of each is indeterminate and a part of the undivided whole. The death of any co-parcener without sons of partition of the family property, increased the share of other co-parcener in the joint family, while the birth of a new male member increased the number of shares in the joint family. No female, except in the case of khandhadia, whenever she gets right limited to the land and house allotted to her husband, become a coparcener. The father, the sons and sons of any pre-deceased son up to four degrees become co-parceners of the joint family property. Their right to ancestral property come into being at the birth and their share becomes definite only at the time of partition of joint family property.

#### **HEIRS TO A CHAUDHARY FEMALE**

The heirs to a Chaudhary female are :

- (1) Sons, daughters and the husband who all share equally. If any son or daughter had pre-deceased his or her parent, the share of the pre-deceased parent would be divided equally between the grand-children.

- (2) The heirs of the husband
- (3) The mother and Father
- (4) Heirs of the father.
- (5) Heirs of the mother

The heirs in one group exclude those in the succeeding group. The devolution of the property of a female during intestate on the heirs referred to in items 1,4 and 5 will be in the same order and subject to the same rules as would have been the case if the property had been the husband's or the father's or the mother's as the case may be and he or she had died intestate in respect there of immediately after the death of the Chaudhary female.

### **CHAUDHARY PANCH**

According to Chaudhary traditional laws, the Chaudhary panch has three tier hierarchy consisting of village panch, chora panch and area panch or "whole community panch" - 'Samagra Samaj Panch', the later cover an area where generally Chaudhary marriages occurs, but not exentially cover the whole Chaudhary land. When some dispute arises in a Chauchary village, the Chaudhary prominent linease leaders of the village, Sarpanch and Patel are called and after listaning to both the parties and verifying all the circumstances, they give justice.

If the decision is not approved in the case of Chaudhary social maters, they may appeal to chora panch and later on in exeptional cases to 'samagra panch' also. The decision of area panch is binding on both the parties and person not obeying may be boycotted later on. The influence of Chaudhary panch has weakend these days though in past it was a powerful body. However in majority or at some places in most of the cases Chaudhary panch is consulted.

## LIFE CYCLE

Chaudhary life cycle includes birth, pachhro, vavli, marriage and death.

Among Chaudharis when the pain starts, the dayan (local midwife) and one of her assistants are called for delivery. A woman hold the stomach while the other slowly get out the child; as a part of a natural process, when it comes out, immediately a waist belt of a cloth is rounded arround the stomach by a woman. The umbitichl coard is buried in a two feet deep hole; in cattleyard. Special precaution is taken as it should not be eaten by cats or dogs. The mother is served wine, ginger and fenugreek. The dayan is given Rs. 15 to 20 and a coconut is also given.

## PANCHRO

pachro is a ceremony which is performed on the sixth day of the birth of the child, which is a 'must' for each and every Chaudhari child. Even if the child is dead before the sixth day or still born, this ceremony is performed for the well being of the mother and family.

This ceremony is mainly performed by 'Dayan' and her assistant. No male member remains present there. They take rice and wine in hand and put eight 'Puni' in south direction and Dayan chants some mantra which is repeated by other women and Dhar of wine is poured. After completion of this ceremony, both the women are served wine and food.

It is believed that Dayan has some magical powers also. If she kicks the threshold, it helps in easy delivery. If the bark of hetra tree is tied to the womb or leg of the woman it helps in quick delivery.

## MARRIAGE TYPES

Chaudhary marriage types were of the following types :

1. Marriage by regular ceremony, where both the parties participate with full social approval on both the side.

2. Marriage by escape where the bride and bridegroom run away to become husband and wife and later on accepted by the society as such.
3. Marriage by capture, where the girl is forcibly taken away by the boy and his friends, from jungle, farm, or hatwada, with or without her consent and later on after due negotiations accepted by the society as husband and wife.
4. Khandhadia or Gharjamai where the bridegroom stays permanent with the family of the bride.

Out of these marriage types marriage by capture is not in vogue since nearly three decades.

In the regular marriage form formerly the important ceremony of 'Hasta Milap' was performed by particular kin, i.e. now a days in most of the Chaudhary marriage ceremony, this ceremony is performed by the Brahmin Priest from the neighbourhood villages. The divorce and re-marriage are permitted and have full social sanction of the Chaudhary society.

According to the customary laws, the Chaudhary marriage is considered valid, if it is done among Chaudharis but now a days instances are found where Chaudharies and Dhodia, Chaudaris and Gamit. (i.e. marriages between a tribe and tribe or tribe and castes) - are also accepted though after some reluctance.

Though monogamy is preferred marriage, but biogamy, a husband marrying two women, is permitted. Any accepted marriage ceremony, is enough among Chaudharis to consider them as husband wife.

Among Chaudharis, kul system, which is prevalent among other neighbouring tribal group such as Dhodia and Gamit is not prevalent. Only a spouse should not be related for three generation up and down from the ego. So this three generation exogamy rule is strictly observed among Chaudharis.

## DIVORCE

Divorce are permissible among Chaudharis. On the following ground husband or wife, any one can approach panchayat for divorce :

1. If a opposite party was impotent at the time of the marriage and continued to be so, at the time of approaching the tribal panchayat.
2. If the other party is mad.
3. If one suffers from some Incurable disease, which one might not have received from the complainant.
4. If the opposite party has adulterous relations with some other person than the spouse or is in habit of co-habiting with any other party.
5. If the consent of the petitioner or of the guardian was obtained by fraud or force.
6. If the other party is in a habit of giving harsh physical torture, sodomy or bestiality.
7. If the person has ceased to be a Chaudhary.
8. If the person has renounced the world by entering a religious order.
9. Any other reasons which the tribal council feels fit to consider for granting divorce.

## DEATH

When death occurs in a family, first of all neighbours are called. When message is passed, the turowner, (turwado with the tur a Chaudhary musical instrument) comes, he is received and given Rs. 1.25 paisa and starts playing particular sounds on the tur.

the whole village assembles, each brings a wood. A coffin cloth, a pot, coconut, rose flower, are brought from the nearby bazar, a fruit of redjower is splitted. 'Pulla' and 'Dabdu' are brought and string is prepared out of them to hold the pot. Two bamboopoles are brought which are cut into appropriate size.



Two persons go to bring the water who do not put the pot on the ground, and brings the water which is got hot. Milk and ghee are brought. Then two to four women and equal number of men get the corpse bath by hot water followed by smearing of ghee, turmeric powder. The corpse is put on the bier and coffin cloth is put on it and upon that flowers are put. Four coconuts are tied on four corners of the bier.

Those who lift the bier are sprinkled with gulab. The Chief mourner takes earthen pot, in which burning cowdung are put, he keeps an axe on his shoulder and covers head with turben or towel and keeps flowers in his lap.

From first resting place the women folk return crying. While the men go ahead. When they reach the crematorium ground, the bier is put on earth. The corpse face is got washed and dead body is put on fire. The fire is lit by the chief mourner. Before that he takes a round around the bier. After that all get bath. Two to four persons remain to get washed. They prepare brooms of umbar and Akada branches and leaves. They clean every thing.

Two persons are sent to Bazar who bring tea, sugar, tobacco and earthen pot, and vegetables of every available kind.

Blades are also brought from the bazar, which are used for shaving. A leave dishes are prepared from khakhra leaves. The rice and vegetables are served in the baj-leave dish and tea is served in leafcup. Alongwith these baj and tur around 10 persons again go to the crematorium ground, where the pot is filled with water for the four times, four earthen wheels are made and a detailed ceremony is performed which is followed by 'Khatru' memorial.

#### **CHAUDHARY-RELIGIOUS BELIEF**

Chaudhary's consider themselves to be part of Hindu society and so great influence of Hindu belief-system is quite visible in many aspects of their religious life also.

Among Chaudharys followers of the Hindu sects like keval panth, swaminarayan are also found, who have completely left meat eating and liquor drinking. The position of Chaudharys is quite high in Hindu society, next to Rajput and perhaps on the top among the tribals of Gujarat.

Among Chaudharis following Gods and Goddesses are worshiped. (1) Ahindro Dongar, (2) Vanbo Dongar, (3) Holio Dongar, (4) Chazino Dongar, (5) Goval dev, (6) Devli madi (7) Gofna Kangri (8) Rani punbai (9) Zadkan (10) Dedaka (11) Bhedo talav (12) Bhehdavo (13) Himryo dev (14) Bagna Bhut (15) Kalio Bhut (16) Sat Bhut (17) Bar Bhut (18) Mavi mata (19) Sindhvai mata (20) Unai mata (21) Dutaj mata (22) Tubdai mata (23) Hinglai mata (24) Meldi mata (25) Datai mata (26) Adseth mata (27) Ambei mata (28) Kalika mata (29) Kavadio dev (30) Jogni devi.

The Chaudhari observe following festivals :

(1) Vaghbaras (2) Diwali (3) Devuthi Agiaras (4) Holi (5) Akhatrij (6) Divaso (7) Janmashtmi (8) Savadh-havadh (9) Gherio (10) Navrato.

#### **CHAUDHARY OMEN ILL-OMEN**

Chaudhari traditional belief system consider following sighs or happening of the events as ill omen.

- (1) If a Jackal pass through
- (2) If a woman with an empty black pot passes through.
- (3) If one hears a particular type of voice of a crow.
- (4) If some Baren individual meets on the way.
- (5) If a lady with wood pass through
- (6) If a man without mustache meets

- (7) If one sees on the way anti raw
- (8) If a Brahmin meets on the way
- (9) If some one starts ones journey after drinking milk. All these things and events are considered ill-omen among Chaudharis.

The following thing events are considered good omens among Chaudharis :

- (1) If mangose pass through the road,
- (2) If a lady with a child on her waist passes through,
- (3) If a maiden with a kakli pot passes through,
- (4) If a woman with a pair of two pots - beda - passes through,
- (5) If a pregnant woman meets,
- (6) If a corpse - dead body is seen,
- (7) If a cow passes through,
- (8) If fish are seen or doklifish is seen,
- (9) Gulal is seen when it is sprinkled,
- (10) If parrot, peacock, squirral are found on the way,
- (11) Owl, which is known as kirbilo in Chaudhari, sits in front when some one going out is ill-omen but if he makes sound thrice, it is considered good mark,
- (12) If Kekhli, a jackal type wild animal pass on, it is considered good-omen.
- (13) If someone sheezes twice it is good omen but once it is ill-omen.
- (14) If some one meets with a bundle of grass it is good omen.
- (15) If a marriage party meets on the way, it is good omen.

- (16) The marriage party in which some quarrel takes place it is a good omen.
- (17) A bird called Dohotoplo in Chaudhari language, comes in somebodys sights it is considered good omen.

Besides, among Chaudharis following are also considered ill omen.

- (1) If somebody dies on someone's marriage day.
- (2) If some calf's death occur on some one's marriage day.
- (3) If a brother and sister marry on the same mandap.

### OMEN - ILL OMEN FOR FISHING

Among Chaudharis there are some omen - ill omens for fishing also have been marked.

- (1) If fishing net is not get circulated on the earth and no ceremony with cock sacrifice is performed, one would not get fish.
- (2) When one goes to catch the fish, he would not let touch his foot the broom. If it so happens, he will certainly not get good catch of fish.

Following are the signs of good rain.

- (1) If voice of the birds known as Deonarib, Pujo, Khuli, Honifafd, Kangdari, in Chaudhari language are heard anywhere it is presumed that somewhere the rain would definitely fall.
- (2) If sparrow baths in sand.
- (3) If an ant comes out alongwith its white eggs, in two or three days, there would be rain. If bigants-called Mankoda, comes out in abundance, it is also sign of good rain.
- (4) If fish go upward, it is considered a sign of heavy rain. If the fish is pregnant, it is a

sign of heavy rain. When the rain is to stop she again goes in kyavi or some ditch where there is some water and on continuation of rain, it again goes up.

- (5) If it goes downward, the rain would not fall. The fish can feel it.
- (6) If heavy downpour is to occur, then the noise of washing or call would not be heard from the near distance which is generally heard otherwise.
- (7) If on a nearby mountain or hill the mist is seen it is a sign of possibility of rain. If it goes, and if stones are clearly seen the rain would not come.
- (8) If (1) Boribajri (2) Nani haro (lilicidi - lilichidi) and 'ajo' appear, the rain would not come.
- (9) When the rain is to drop, the frogs change their voice. The chemelon change their colour.
- (10) The eggs of sparrow and (titodi) are also indicators of rain. If all the four eggs of titodi are standing, the rain would come for all the four months.

Besides these Chaudhari beliefs, there are certain local beliefs regarding some tree, ditch or some hills etc. i.e. on getting ripe dates on certain date tree, the rain would come or when the water in certain ditch would get dry the rain would come or when the line would get ripe the rain would come etc.

The Chaudharis believe in witch craft, sorcery, spirits etc. Witch craft may be practised by both, male and female, but female witch is considered more powerful. According to a Chaudhary mythology, even the mother of the God also was a witch. In Chaudhari language male witch is called 'Doho' while female witch is called 'Dohi'. She has to move 12 villages in a night as the tiger has to a saying goes on she can eat lungs of any member. She can take any or many forms. She can make ill anybody by striking him heavy muth clif (blow) Bhuva muth, kachimuth, paki muth or lodin muth. She can eat lever of its victim and replace it by Akda leaf, and in a few days ultimately the victim may die.

The witch is heavily beaten by the victims relative, when she is held responsible by the Bhopa, some cases of death also have been reported in such beating even in such instances, Chaudhary traditional attitude is that of relief from a meanace.

### **VAVLI**

Vavli is the branding performed by bhagat only on sunday between 7-00 a.m. to 9-00 a.m. usually after 15th - 20th day of the birth of child, but in some cases it can be done before the infant's lactation period ends. Only a bhagat expert in performing Vavli is called. He is given a needle, which is made hot in tawa karanth. Childs mother or other female relative sits before the Bhagat. Other children from the nearby neighbourhood also assemble to witness the ceremony. Sand is put in some small utensil- the Bhagat examines the chest of the infant and decides where to put the brand, he marks the spot by sand and puts the mark of the hot needle. The infant cries at its loudest voice, even the small children who have assembled arrounds also run away after hearing the infants cry, this sight is so intricately and internally woven in Chaudhary child, that even after years, whenever he is misbehaving, he is always threatened with this Vavli brand.

According to traditional Chaudhary belief system, if this brand gets riped it is better. Vavli marks prevent the infants chest getting narrowed, it helps the infant in better breathing. Secondly it prevents stomach troubles. It also prevents a disease called 'Vavli'. Its universal practise among Chaudhary and there would be hardly any Chaudhari, who might not be having this Vavli mark.

After this brand the Bhagat is made to sit on a cot or verandah. He is given Black tobacco and Khakhra leave. He winds the leave and prepare a 'bidi' by putting the tobacco on it, on that 'bidi' a live wooden charcoal is put. The infants father gets a bottle of wine from nearby huts for the Bhagat. He is given Rs. 1-25 paise for this ceremony. He is accompnied to his home by the household head.

**THEFT**

Among Chaudharis following types of thefts have been reported :

1. Standing crops, including maize, jowar, paddy, cotton and others.
2. Grass.
3. Goat, Cows, Buffaloes, Bullocks, Calf.
4. Melon, Guava, Custard apple, Mangoes and Vegetables.
5. Clothes.
6. Utensils
7. Ornaments, especially sankla-anklets and Ganthi.
8. Apparatus for preparing mahua liquor.
9. Groundnuts or Green gram
10. Woods
11. An illicit relation, between a man and woman are also considered as theft according to Chaudhari vocabulary. It is called 'leather theft'.

The reasons for the theft are as follows :

1. Poverty,
2. Dire need, necessity,
3. Quarrel,
4. To take revange,
5. If behavior of a wealthy man, with the villagers is not proper or enough sympathetic or just and proper.
6. Just for fun

The following methods have been observed for the theft :

1. House breaking including wall diffing, door or lock breaking or tile dislocking,
2. Trace passing in somebodys property, including field, house,
3. Cattle lifting or goat lifting.
4. Wood lifting some times ten or fifteen men go to the jungle, cut the woods and lift them on head and bring them in the village.
5. Application of some mantras by which household members falls deep asleep and it is also believed among Chaudharis that a God, called 'Hihavave' is worshipped, in order to snatch away some prepared food from somewhere.
6. Sometimes in order to cheat and steal from a person, he is got engaged in a talk by one or two individual and others may steal some object from the house or crop from the farm, especially in order to steal melons this method is used according to our research investigator.
7. In order to steal dates, custard apple or mangoes, one may elimb the tree and then shakes the branches of the tree so that ripe fruits fall dawn.

A person who is habituated thief is called a person with long hands - 'Lamba hath' world in Chaudhari. When some theft occurs, the victim complains to the Sarpanch and Patel. A meeting of the elders of the village is called. The aggrieved party narrates his case before the village elders and elders ask him about his doubt on some body, if he gives none, many a time a Priest is consulted to tell them who did the theft. The Priest after taking the name of his God, sees the grains or red powder brought from the house of the person in whose home the theft has occured and gives some signs of the incidents on his own, which if found true, he goes on telling them further narrating the whole incident how it has happened. Then the person whose name has been given by the Priest is called, asked and if he disagrees he is slapped, beaten by the Patel, Sarpanch or in their command by



some one from the village, and on his confession he is ordered to produce the stolen material before the court and if he cannot produce, whereabouts of the material is asked and person, whom the thief has given the thing is caught, the thing is reserved. If the stolen thing cannot be produced, the fine in cash and/or kind is imposed upon the thief. Part of the payment is used for bringing liquor to the council and the rest is given to the owner.

### **ASSAULT**

For following reasons assault has been reported among the Chaudharis of South Gujarat :

(1) For a dispute of land (2) for a house, (3) for a woman, (4) for cattle or animals, (5) for cutting wood or grass, (6) for mahua flower, mangoes or strawburrys or for some other fruit trees, (7) for eve teasing (8) for stealing, (9) for witch craft, (10) for reported misbehavior of an individual or group, (11) when someone quarrels in over drunken stage, after loosing one's sense.

1. Dispute on land may occur regarding boundary, fencing, stone changing, water cutting, or water crossing, water logging, road blocking or road opening, which involves any villager including real brothers or half brothers, who are the immediate right holder in the property.
2. The dispute regarding house include distribution of the house and household property among the brothers.
3. Quarrels regarding women include, eveteasing illicit relations, incest, failure on somebody's part in fullfilling ones role promise.
4. Quarrels on cattle, when they are distributed between brothers as a part of property, it occurs, frequently. It also includes cattle grazing on one's border where one is entitled for graze.

5. Mahua is a forest tree as well as farm tree too. in the season in the beginning for few days, any one can pickup the mahua flower. Its fruit-Doli also can be collected by anyone from the village, when it gets ripe and fall down, but before that, if someone fell them down unripe, then it is against customary law and it may create a quarrel.

If someone fell down the unripe mangoes or collect from the tree, it is also unlawful act according to traditional law. This law applies to strawberry also.

6. While dancing or on return from the dancing ground if someone misbehaves with the woman folk, it may be sufficient reason for an assault.
7. In theft the culprit may be assaulted.
8. The witch is assaulted by the victim or her/his kin or elder person, sometime the near relative of the alleged witch are also helpless. They cannot rescue her from the public wrath.
9. On any reported or real misbehaviour of an individual or group one can make an assault.
10. When some drunk person misbehaves, he may be slapped.

### **KHANDHAL**

'Khandhal' is a widely prevalent custom among the tribes of South Gujarat. Generally a well-to-do Chaudhary landlord, who is having only daughters or who is not having adult male member in the family, who can look after the agriculture activity of the whole household, finds a 'Khandhal' from some relatively poor Chaudhary family, who can be a pair to one of his daughters. Generally, requests the father of the boy to give his son as Khandhal to his house and on granting his request, the elder of the boy's village consider the proposal and now-a-days take promise in writing, regarding his share in land, and about bearing the expense of the boy's marriage to proposal maker's daughter. On agreeing to

the proposal betrothal ceremony takes place, in which wine is served to all the guests alongwith Mamra, whose complete expenditure is borne by the girls father.

On the day of the marriage the bride party, come to the boy's house to take him to brides house. They come with, Dobru a typical Chaudhari musical instrument. The bride's brother dances, alongwith the boy, taking him on his shoulder, in his house. They are given a ceremonial dinner by the boy's father. In the evening the boy is taken to the bride's home where he is made to take seven rounds around the leanth and he gives a beed ornament called 'Kidu' to the girl. Except this all other ornaments and clothes are given by the girls' father. These ornaments and clothes are put in a windwing fan and given to the boy-bridegroom - before ukhal., which is another important permanant place in Chaudhari marriage ceremony. After this ceremony is over, both the parties dance together to the tune of Dobru for the whole night. In the morning, all the members, who came with khadhal to put him returns, and he stays there a day for ana is also fixed, on which a few persons from bridegrooms house come to take him back to his house for few days. On completion of which he returns to his wife's fathers house for life time.

In Chaudhari tradition, Khandhal has to take order from his father-in-law for all his Agriculture or household work. He is supposed to look after each and every agriculture operation, which generally a male member undertakes in a family according to Chaudhari tradition. He must be a hard worker, sincere and honest. Lest he may be driven out some-time. Not only for his clothes, food and all ther requirement, his father-in-law is responsible, but for his wife and their children maintance food and shelter his father-in-law is responsible. However in actual practise, the cases are reported in which breaches are occured on both the side. After some years either the Khandhal leaves the father-in-law's house, to make his own separate house, either on the land given by his father-in-law or in some cases, after becoming major, the brother-in-law of the Khandhal do not respect the wishes of his father-in-law too i.e. deny the equal right in land and property. In such cases Khandhal

has to satisfy himself on whatever is given by his brother-in-law. So in majority of the cases, now-a-days it is seen that in actual practise hardly one to five acres of land is given to Khandhal and he is hardly anywhere equal partner in the land and property.

### **MINORITY & GUARDIANSHIP**

According to Chaudhary customary laws the natural guardian of a minor are in the case of a boy or an unmarried girl, the father and after him, the mother provided that the guardianship of a minor who has not completed the age of five years shall ordinarily be with the mother.

In the case of an illegitimate boy or an illegitimate unmarried girl, the mother and after her the father and in the case of a married girl the husband.

According to Chaudhary customary laws these rights are provided to real father and mother and not to the step one. The Chaudhary panch can appoint a guardian according to the circumstances of the caste, in absence of natural guardian.

The guardian generally cannot mortgauge, change or transfer by sale, gift, exchange or otherwise dispose of any part of the immovable property of the minor.

For becoming on guardian no definite age prescription is there, but only a married man or a man around twenty years, who runs his own household can become guardian.

### **ADOPTION**

According Chaudhary customary laws, any Chaudhary individual with a sound mind, who has attained the age of discretion, is entitled to take a son in adoption, provided one gets consent from one's spouse and if one has no son or grand son or great grand son, natural or adopted living at the time of adoption. From the date of adoption the adopted child shall be deemand to be the child of his or her adoptive father or mother for all practical purposes and the ties of the child with the family of birth be served. An adoption does not deprive the adoptive father or mother, of their right to transfer any property.

Adoption is generally made in presense of Panchs.

### **ALIMONY & MAINTENANCE**

According to Chaudhary customary laws wife is entitled to get alimony or maintenance from her husband, alongwith the children by him, the children can also claim from their father for maintenance. In the same way, mother or father also can approach Chaudhary tribal council for maintenance. In case wife, the maintenance applies upto the period she remains unmarried. The payment can be monthly or seasonal or periodical. The children can get these rights till they become major.

### **CONCLUSION**

The traditional Chaudhary law is still in force in many ways and covers many areas in the life of an individual even now.

The Chaudharies feel at home in traditional setting in which Chaudhary justice is given by the Chaudhary panch. Though there are many areas where Chaudhary law is very much similar to Hindu law, there are other areas where it clearly differs from it and maintains its peculiarity and individuality. In these circumstances it would be great to the Chaudhary tribal society, if justice is given to Chaudharies according to Chaudhary traditional laws.