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TRIBAL CUSTOMARY LAWS OF KOKNAS

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INTRODUCTION:

The Koknas, also known as Kunbis, Kuknis, Koknis is a scheduled tribe numbering Tribal Customary Laws among the Kokanas of Gujarat according to 1971 census. Its main concentration is in Vyara, Songadh, Vansda, Dharampur, Dangs talukas of Surat, Valsad and Dangs districts respectively. In the Dangs they have been enumerated as kunbis, but they have marital relations with koknas of neighbouring Vansda and Dharampur talukas of Valsad district and Songadh and Vyara talukas of Surat district so in this report, the terms kunbis and kuknas have been treated as synonymous terms and for this report both these names included in the lists of the scheduled tribes of the State have been treated as one and the same.

The present report is based upon the fieldwork done by a M.S.W. Kokna research investigator during his two months stay in his native Kokna village after undergoing a monthly training regarding customary tribal laws at this Institute. The trainers were the senior research personnel of the Institute, as well as faculty members of Social Anthropology and language department of the M.D. Samaj Seva Mahavidyalay, Gujarat Vidyapith. Besides the Investigator was provided with a hundred page field guide covering many of the aspects of tribal customary laws.

INHERITANCE :

Koknas are partilocal, partilineal, patriardal tribe; so property is inherited from father to son, surname of the father is adopted, and an individual's name is followed by his father's name. This practise is generally prevalent in other parts of Gujarat too.

If a person has more than one wife and if both or all of them have sons, the immovable property, and especially the land is first equally distributed among the wives and then

each sons gets his equal share from his mother. If a wife is childless or having only daughters for whom she does not keep Khandhaia, then after her death, her part of land is equally distributed among the sons of her co-wives.

Among Konknas there is one concept of 'Vavli', which is exclusively woman's property. It may be a land or some other immovable property. This property may be exclusively inherited by her sons or daughters, according to her wishes. In the case of vavil only the women concern have to lookafter her vavil, moveable or immovable property. In this her husband or co-wives generally do not take interest. So heirs to a Konkna female are (1) Sons and Daughters, (2) Husband (3) The heirs of the husband, (4) Mother and father.

Among Konknas generally the male heirs related by full-blood are preferred to those related by half blood, if the relationship is the same in all other respect. When a property is inherited by two or more persons, they will take it ordinarily per capita.

The posthumous child, the child in the womb at the time of death of a person, will have the same right to succeed as he or she had been born before the death of the person.

Whenever an interest in any immovable property such as land, house, or well, one of such heirs wants to transfer his or her share /interest in the property, the other heirs shall have a right to purchase that share/interest in preference to outsiders so that the property may be kept intact.

KOKNA TRIBAL COUNCIL :

In 1965, an attempt was made by a Kokna leader and Vansda taluka Panchayat President, Shri Navsubhai Maddabhai Chaudhari to formalise the structure of Traditional Kukna village council, following the example of other so-called progressive tribe like

Dhondias of the region. The whole taluka was divided into five sub-divisions (Vibhag) and was known as Divisional chora (Vibhagiya Chora). These divisional chora consists of choras and these choras cover 3 to 5 villages. Each chora has its President, Vice-president and members, so as Vibhagiya chora has the taluka Kokna tribal council has President, Vice President and Secretary, alongwith an executive committee.

On seeing the success of Vansda taluka Kukna tribal council. In 1977 general Kukna tribal Council' Samsta Kukna (Kunbi) Panch' covering Kuknas of Surat, Navasari, Bilimora, Chikhli, Valsad, Jalalpor, Devdha and Gandavi has been formed. Its head quarter is at Navsari.

Apart from this formalized form of Kukna tribal council, the real effective body at the grass-root level, village level, is informalized traditional village council. Generally its members are Patil, Sarpanch, village Priest and heads of the different clan. It is not a body of fix number. Its members may vary from case to case and events to events, depending upon the nature of the case and faith of the parties concerned. Of course the tradition requires that the Patil must be invited in such deliberations, it is meeting at the village level. Now a days, if Sarpanch happen to be of the same village, or falias, it is expected that he should also be invited to such gathering. The Priest is also invited in many of the cases. If the case is regarding lineage or families of the lineage, and if they want to settle it themselves, they are free to do so.

In tribal village court, both the parties are heard, their evidences are orally taken note of and at the end, after due consultation, the chief arbitrator or senior leader announces his verdict, which is generally binding to both the parties. If they disagree, they may approach the appellate tribal court i.e. the chora council.

LIFE CYCLE :

Kokna life cycle includes birth, marriage and death ceremonies.

Among Koknas, conception is considered a gift of God, though sexual Union between male and female is considered essential for that. A pregnant woman is considered lucky while the barren woman is pitied or considered ill omen if she happens to pass on, some where when one goes out for some important or auspicious socio-religious function.

Delivery is performed by experienced dayan of the village, though in crisis, doctor of nearby hospital is also consulted now a days. She is given fixed amount and rice, as per tradition of the village on the day of pachro, which is celebrated on the fifth day of the birth of the child. The main performer of the ceremony is dayan, a small feast is given to the children of the street on the occasion.

Among Koknas the woman in menses is known as 'huytahi' or 'unclean bayko'. She cannot sleep with her husband and has to wear separate clothes meant for that. She can enter the veranda of the house but cannot enter the kitchen or granary of the house. She cannot touch utensils or enter the thrashing ground-khala. She is served the food in special earthen utensils. She cannot grind or fetch water from the well. If she goes to fair or hatwada, she cannot bring any eatables. But she can milch the cow, buffalo, goat or can enter the field and can do agricultural manual work.

MARRIAGE :

Koknas observe clan-exogamy. There is one proverb among Koknas which says that one may be far away as sun or at a long distance as the sea is, one cannot marry in one's clan.

Besides traditionally one can not marry in one's wife's sister's in-laws family because according to Kokna ethos, sisters' husbands are considered brother, and so virtually treated as a member of the same clan. Of course, now a days, some exceptions are found to this rule and instances of breach of this rule have come to our notice in the field.

Koknas prefer cross cousin marriages. Marriage proposal is always made by boys father and on acceptance, 'bolpen' ceremony is performed which is considered as betrothal.

Following are the types of Kukna marriage:

1. Vidhisar lagan :

The most of respected marriage form among Koknas, in which both the parties fully agrees for the Union and which is solemnised with all elaborate, Kokna ceremonies.

2 Marriage by escape :

Where the bride groom and bride, without the consent of all or any of their parents run away to forest or to some kin's mans house to live as husband and wife and after some time, with due negotiations between the emissaries of both the parties, they are accepted as such.

3. Marriage by capture :

This was a practice which once was prevalent among the Koknas, but which has ceased now.

The first marriage form is most respected and largely practised one, though there is no socio-legal limitation attached to rest of the forms. Formerly the whole elaborate ceremonies of the 'Vidhisar lagan' were performed by various kin but now a days under

the influence of sanskrisation and imitating the example of another dominant tribe of the Kokna area, they employ Brahmin to perform their marriage ceremony, which has basically changed the whole order and traditional role of many of the kin with a little bit modification here and there, brahmin follows the marriage practised Hindu castes.

THE DEATH :

The dead is buried among the Koknas. The chief member is considered the main actor in the whole series of ceremonies right leading the earthen fire pot upto performing Dan Dakshina ceremony on the 12th day of death.

Koknas believe in re-birth of the soul and theory of Karma also. They also believe in unsatisfied soul turning into spirit or ghost, and harrasing the person or family concerned till it is properly propitiated.

RELIGIOUS BELIEF SYSTEM : WITCH CRAFT :

Koknas believe in witch doctor, witch craft, spirit and ghost. They have also faith in black magic. Witch is considered more dangerous than witch-doctor. She can take many forms and can travel long distances, especially during the night time. She has to sacrifice one of her near one and dear one in order to be a pakka witch. When someone is declared as the witch by Bhagat, she is beaten, and in certain cases hanged upside down under the branch of a tree. She is considered as maniac in the village.

According to the classification made by a Kokna informant, the kokna Gods and Goddesses may be classified as follows;

1. The Gods and Goddesses of Home and The Gods and Goddesses whose place is out side the house.

2. The male and female Gods.

i.e. male : Thati deo, Ranbhut, Baram deo, Pendhardeo.

Female : Mavli, Bhadrakutar, Sankla sori, Sonajal, Rupajal, Chedra kutar.

3. The Gods of (a) stone, (b) metal (Brass, Silver).

The Koknas worship following Gods and Goddesses :

1. Kansari.devi : A Goddess of Grain which generally put in nagli.
2. Mavli - It gives strength to the crop.
3. Ranbhut - Baram deo : Alonwith Mavli these two Gods also are worshiped.
4. Hirva -It can kill enemy or win or save someone from the false case in the court. An uncastrated bull is kept in the name of this God which is called 'Nandi'. The Hirva God is kept in bamboo basket and worshipped once a year on the Diwali.
5. Ihmai - Ihmai is worshiped by the members of a clan of the village, by keeping its images for five days at each home. The Goddess is worshipped for the well being of cattle and crop. Ihmai is mainly worshipped by Varli.
6. Vaghdev - Vaghdev is considered to be a God of cowhard boys. It is worshipped by them on the day of Vaghbaras. The cowherd boys make fast on that day. They prepare a colourful stick. They prepare a necklace, and purchase ghee, coconut or chicken, vermilion, and milk. The cowherd boys are given money for this material from their masters. They prepare rice without salt.
7. 'Kothar deo' is the God of grain. It is also considered the God of animals. It is generally round shaped and while bellowing, it can come out of cows mouth. It is cows hair and usually of the same cow as the colour is. Such home is considered lucky, where one gets it. On getting it one may install it with due ceremony in the home.

8. Thali deo - thali deo is the God of falia. A flag is hoisted on this God. It looks after the well being of the animals and human beings of the falia - a street. He is worshipped once a year, on the Diwali.

The Koknas observe following festivals, quite a term of them are quite similar to the festivals observe by neighbouring Hindu castes.

(1) Vaghbaras (2) Diwali (3) Mavli (4) Simga-Holi (5) Tera (6) Pachvi.

Among Konknas, Bhagat performs kathas of following Gods and Goddesses :

(1)Kansari Devi, (2) Bolava (3) Dogar Mavli (4) Ihmai.

When there is some disease in crop, or grains and when Bhagat recommends, Kansari devi Katha is performed.

When there is epidemic in the village, on the recommendation of the Bhagat 'Bolava' or 'Dogar Mavli' is performed.

The Katha of Ihmai is performed every fifth year.

BHAGAT :

Bhagat is an important consultant in all socio-religious calamities among Koknas. While thrashing operation, if whirl wind - comes, the Bhagat is consulted in order to know if any God is displeased. The Kokna takes some rice grain alongwith a 10 np. coin to Bhagat's house to look into grains - dana jova. The Bhagat see through the grains and tell them wether any God is displeased with them. He is considered as an agent or middle man between the almighty God and the person concerned. The Bhagat is considered as a benevolent force in the form of Human being.

ANIMAL WORSHIP :

Ritual of animal worship is performed on the day of Diwali. On that day the herd is specially brought to the house in the afternoon for rest, where clean water from the well is brought and poured on the forelegs of each of the animal of the house and washed with hands and chandla - mark with vermillion is made on the forehead of each of the animal of the house.

On completion of this ceremony the herd is again sent to the forest for grazing. When it returns in the evening; earthen lamps, specially prepared on the platform of specially cut melon and ladies finger sticks, are lit in cattleyard as well as on the manure heap. A basketful melons are served to cattle before cattle yard. Sambelu is put among melons, which remains there till next morning. If rice from mavlidevi has been brought, it is sprinkled in the cattle yard.

DIVORCE :

Fargati or Divorce is permitted among the Konknas. The initiated has to deposit Rs. 51/- to the panch and if his application is granted he has to pay Rs. 351/-. The case of fargati is generally dealt in by local panch, but if it is not decided upon by it, or if some party is unwilling to accept the verdict of the village council, one can appeal to the general panch. The decision given by the general council is duly respected, though in recent years some cases have been reported, where they have taken the rescue of the Law court.

In Konkna customary dealing of fargati case, after hearing both the sides, if decision is taken to grant fargati, the husband /wife whom the divorce is granted and their parents are made to sit opposite each other, are given the leaves of some tree nearby, in which they have to hold the water and a village leader sits between them holding the leaf cup with water and says (aj hun tumna fargati hoynaha fir tumna saband ni hyyla.pad koydi gulan

rag margi rakhula nay. Sarkhi rit manus tarile ruhula firivav tumna samband jodyak ni suj.)
 "From today after hearing both the sides, the council has granted your divorce. If you happen to see each other in future anywhere do not keep any sort of anger or affection for each other. In future no relationship should be maintained between you. Live as human being." Water is poured on the earth.

According to a Konkna tradition, water is respected as a great force, and if one has taken water in one's hand and agreed to something; then naturally it is a matter which is considered as of great significance and is taken with all seriousness. Though some cases have been reported, where after the lapse of few months or years, some of the couples have reunited but in these cases, the consent of the village council is formally taken, which is generally given, with a warning that it should not be repeated again.

ADULTERY (Bandy) :

Among Konknas adultery is considered a serious offence. If this adulterous relations become known, the individual is summoned before the Panch and compelled to pay the fine as fixed up by the Panch. He is beaten by not only single leader but sometime by a group of leaders, simultaneously.

If one indulges in adultery with Kolgha woman, he is summoned before the village Panch, beaten up and ex-communicated. He is not allowed to enter Konkna house. He is treated as an untouchable Kolgha.

If after some time he requests the panch, the ceremony of 'Bar fedvo' is performed. He is clean shaved and taken to river bank, where he has to pass through five huts, specially prepared for this ceremony, where he has to taste following five things :

(1) Cow-dung, (2) Wax, (3) Human excreta, (4) Riceflour, (5) Chicken excreta.

This purification ceremony can be performed by the clan-Bhagat only.

When he comes out of the last hut he is made to jump in the river water. A man enter the river water, hold is head, drown him in the river water for few seconds, and when his head comes out of the water asks him "bat fitna ka? (lit. weather have you become pure?) and he answers in affirmative. When he comes out he greets everybody and requests the audience to pardon him. Liquor is served by him to everybody present. Now he is considered part of the Kokna community.

KHANDHAD :

Practise of Khandhad is prevalent among Koknas. A person who has only daughters or has no adult son who can look after the agricultural or animal husbandary work of the household can bring a bridegroom for one of his daughters, with due consultation with the bridegrooms' parent and its village council with a promise to give him share in landed property, though not equal to his sons. The Khandhad has to do all manual work of the household, which a farmer has to do, right from the early morning till late at night. His position in the household is hardly any better than bonded labour.

ASSAULT :

Among Koknas following were the reasons given by the informants for the assault :

(1) land, (2) House, (3) Animals, (4) Some quarrels regarding woman (5) When some one cut woods from someone's farm or carry away grain or crop, (6) When some verbal quarrel takes serious turn, (7) Eve teasing, (8) When some misbehaves in over drunkenness, (9) for more or less work, (1) for witchcraft, (11) for some other reason.

Among above all, witchcraft is the reason, where generally husband also cannot protect one's wife and only the village council can relieve her. When such houses socially bycotted one is put in great hardship.

ADOPTION :

Every Konkna who has a sound mind, and who has attained the age of discretion can lawfully take a son in adoption provided he has no son or grand son natural or adopted. At the time of adoption generally the son of a brother is preferred for adoption. No age gap is prescribed under Konkna law between adopter and adoptee, but adopter must be older and should look like a father meaning thereby he should be older than the adoptee by at least a decade and half. Generally only a male could be adopted. The boy adopted must be freely given to the adoptee in presence of village elders council, and he should be given by his natural father or mother if they are alive and in their absence by the natural guardian of the boy.

The adopted child shall be deemed to be the child of his or her adoptive father or mother for all practical purposes from the date of adoption. An adoption once validly made before the village council can not be set aside by adopter or adoptee, that is why, in order to avoid, adoption in haste, thorough questioning regarding the adoption is made by the village council to the adopter, adoptee and adoptee's parents or guardian before the according the actual adoption.

MINORITY AND GUARDIANSHIP :

Among Konknas there are not, any specific age restriction regarding minority or majority. Generally a boy who has begun to plough on his own and who is capable of earning his living or a girl who is married is generally thought of as major. Before that one is considered minor who needs protection as well as training in tribal ways and ethos.

If the child is in joint family, generally the head of the household is considered the guardian. If Khandhadia's children are staying, the guardian has the power to take all the necessary actions for the benefit of the minor or for the protection of minor's interest in

property but he does not have the power to bind the minor by a personal convenience. The guardian cannot sale, mortgage, change, transfer, gift, exchange, or otherwise dispose of the whole or any part there of, of the immovable property of the minor, even with his consent or lease minors' property for a term exceeding his end of minorship. With their (children's) mothers, fathers, he is considered their guardian. Generally the full blood parents are considered the natural guardians. Father and in his absence, mother is considered responsible for child's conduct. The tribal court is empowered by tradition to deal with and decide the matters relating to the custody of minor children in case of divorce or when marriage has been dissolved. Generally in such cases if the child is above six years age or so, its custody is given to father. Adoptive father or mother can be treated as natural guardian but not the step father or step mother.

CONCLUSION :

The Kokna customary Law has its root in traditions Kokna culture, though it is always get renewed and reviewed and get itself readjusted in consurance with new situations. It has its own flexibility bound by its own limits. Kokna traditions council also works in quite familiar atmosphere, giving ample opportunities to the parties concerned to express their views and grivences in their own words and language. Sense of understandability is always there; which creates faith in the system which is relevant, useful and functional in their indiginous social mileau.