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TRIBAL CUSTOMARY LAWS OF BHILS

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INTRODUCTION

The Bhils is the single largest tribal community from Gujarat who comprises 40% of the total tribal population of the State, numbering 14,51,760 according to 1971 census. It covers variety of tribal groups, living in mountainous ranges of Aravalli, Satpuda and Sahyadri, in the north Gujarat, Central Gujarat and South Gujarat respectively. Under the generic term Bhil, many tribes are covered right from Vasava, Tadvi, Dholi Bhil, Dugri Bhil, Bhagadia Bhil etc. The word Bhil also covers many tribes with distinct socio-cultural, and religious features having altogether different backgrounds. So the Bhils of Banaskantha are quite different from the Bhils of Dangs. The Bhils of Dangs follow cross cousin marriage which is quite unknown among the Bhils of Banaskantha or Panchmahals. Their traditional Gods and Goddesses, language etc. are quite different from each other. From these many Bhil groups, the Bhils of Panchmahal where they are having the largest concentration, have been selected for this study of tribal customary laws of Bhils. The study covers only a Bhil tribal group of Jhalod taluka in the Panchmahal district.

The field work for this project was carried out by fresh Bhil Post Graduate Girl, who was given one month's intensive training on customary laws mainly by the report writer and other personnel of the Tribal Research & Training Institute, Gujarat Vidyapith, Ahmedabad besides two post graduate teachers from the language and literature department of the Gujarat Vidyapith, and an expert from the Institute of cultural and Urban Anthropology, Ahmedabad.

PROPERTY

Bhils have clear sense of property. It includes immovable property like land, water well, house, trees and moveble property like domestic animals, utensils, ornaments, instruments and implements. All the above mentioned property articles can be atleast

artificially equally divided among the direct male descendants of the same parents. Full blood relations are always preferred to half blood relations and lineal or vertical relations are treated with preference in comparison to horizontal relations. Generally in case of a person having more than one wife, the property is first equally distributed among the co-wives and it is further divided into the male children of the co-wives.

Among the Bhils, at the time of division of property generally lineage elders or some traditional village elders like Sarpanch and Mukhi and in some cases even Priest are also invited. In their presence, the proposal for the division of property is put forward by an elder member of the family and after listening to the case, an elder member or influential member of the lineage divides the property in nearly equal shares. While dividing if any person has to claim any thing special, or having got liking for some of the things very particularly, that claim is also taken into consideration, provided, consent of the co-sharer is there. Among all the items of property, land is considered most precious one, and it is divided in almost equal parts, taking into account various categories of land. In the rest of the items, there is likelihood of some of the items may get exchanges in part or as a whole. No property from the above listed items is given to a daughter; or any of her heir, as a matter of right; however, mother or father on their own will can give some of the items, except house and landed property, to their daughter. They can also keep the Son-in-law as Ghar-jamai, whose marriage expense is also borne by girl's father.

If the mother or father is alive at the time of partition, 1/2 share in land is kept apart for him or her, which in effect merge with the part of the youngest son, with whom generally the parents live for rest of their life. If a sister remains unmarried, she is given a share almost equal (not essentially equal) to her brothers.

Among the Bhils the concept of; 'Vavdo' is there. Under 'Vavdo' system a portion of land where seeds of certain weight can be sown is kept apart for a member of the family.

The income received from this 'Vavdo' is considered personal property of the individual. The individual can buy a goat or hen out of it. This goat or hen and their property also become personal property of the individual. One can use the income generated from it on one's free will. 'Vavdo' provision is for limited period only i.e. a season.

A widow has a right over the property of her husband, provided she does not get remarried elsewhere. In fact, it is she who inherits the property of her husband which later on is divided equally among her sons, be gotten by her deceased husband.

Among the Bhils, as the parents have to live with the youngest son and as he, according to Bhil customary laws becomes the sole owner of the landed property of their parents after their demise, he is considered as the most favourable child of the parents. However cases are not lacking where other children are also equally loved by them.

ADOPTION

'Adoption' is an accepted practice among the Bhils under study. It is called "Khole dhar" in Bhili. As adoptee should belong to the same clan, it can be either a male of a family. The adopter should be senior in age, and should be horizontally in the same kinship category, as of father i.e. father and paternal uncle are considered in the same horizontal category of kin by the Bhils. So the adopter should be father's brother and the adoptee should be a brother's son (naturally from the same clan). The adopter should be or the expense of maintenance and marriage of the adoptee.

There is no special ceremony as such for the adoption, but generally it takes place in the presence of the village council elders, and generally by 'mokavav' - contract of mouth.

The adoptee is considered the sole inheritor of the property of the adopter and he loses his right in his real father's property. If he insists his claim over his real father's property, his real brothers as well demand their share in the adopter father's property. As

among the Bhils bigamy is permitted, generally to have one's own children, the childless person marries again so such instances of adoption are rare.

THEFT AND DECOITY

Rightly or wrongly, Bhil's name has long been associated with theft and decoity in many areas adjacent to Bhil belt. The property which is stolen from a house, farm or from the body of an individual, without his knowledge is called a theft while in decoity, the property is forcibly snatched away from an individual, against his will, and inspite of his protest, by a gang with the help of some lethar weapons or by applying physical force. Theft is carried out mainly to acquire some property, while in decoity, alongwith the above reason, two more reasons have also been observed. They are (1) to take revenge (2) to kill somebody on the pretext of decoity.

In the Bhili dialect, dacoity is known as 'Topaniu'. In topaniu the house is cordoned off by the gang. The most terrocious gang members stand on door steps. They donot allow any member of the family to make any move. If someone opposes them, they are beaten sevearly. The other group snatch away the property from the family members and run away. After getting the information, that the group has withstolen property and have reached a reseanable distance, the gang members at the door, leave the house. Even while escap- ing, they do not deploy many tactics to run away safly.

In dacoity and theft there is always a role of an informant. There is a famous proverb in Bhili - Hari Vagar Sori nahi - There is no theft without informant. Many a times, this informant might be from the village itself. In the cases of a dacoity, a complain is filed at the Police Station but in cases of petty theft, traditional tribal village council plays effective role. The council plays the role of a meditor judge, and to a certain extent even as admin- istrator also.

MARRIAGE

Among the Bhils, following types of marriage practices are found :

- (1) Vidhisar na lagan - Marriage ceremony with full approval of both the parties.
- (2) Marriage by escape, where the bridegroom and bride run away from their home to some relatives' house and later on they are accepted as husband and wife.
- (3) Marriage by capture : when the girl is forcibly taken away by the bridegroom and kept in some relative's house and after long negotiations and paying up of fine, is accepted by the society as husband and wife.
- (4) Where a man runs away with some one's wife and latter on they are accepted as couple.

Among the above mentioned marriage types, first type is most preferred.

Among the Bhils, Bride Price is taken by the bride's father. It is considered very high looking to the poverty of Bhil economy. It varies from individual to individual. Some times, an educated girl's bride price is very high. Generally the figure of the bride price varies from Rs.4,000/- to Rs.7,000/-. In the vidhisar na Bhil marriage 'vano' ceremony is performed where in, after applying turmeric the bride and bridegroom are brought to the dancing ground where they dance to the rhythm of the musical instruments.

Presents are offered by the guests. This amount comes as a great relief to the bridegroom's father because it helps him considerably in pre-preparation of paying up of brideprice.

The marriage is performed by an aunt or sister-in-law of the bride and bridegroom. Now a days, in some exceptional circumstances and specially among educated Bhil marriages, a Brahmin is also employed.

DIVORCE

Among the Bhils, divorce is known as 'Fargati'. Frequent quarrels, constant beating, adultery on the part of wife, impotency, proven barrenness are valid reasons for going before the tribal court to get a divorce. Both the parties are heard by the tribal court and efforts for reconciliation are made by some arbitrators, and if they fail, the procedure for divorce is made.

A new cotton sari is brought from the bazar and the husband puts it on the shoulder of his wife. He then takes it off tearing it into two and puts one piece on her shoulder and says 'she is free, she can go now'. As a saree is torn in two pieces in this ceremony, the whole process is called 'lugda fadva' (Lit. to tear off the saree).

In this process, both the parties have to bear the expense of the Panch and the initiator of fargati case has to pay the amount to the other party, as fixed by the panch. If the wife is the initiator, then her parents have to pay the full marriage expense and if the husband is the initiator, he has to forego his right over the bride-price.

MAINTENANCE

Among the Bhils, the right of getting maintenance is vested with old aged parents, deserted wife, and children, from their son, husband and father respectively. The aggrieved person can approach the elders of the village, in order to get maintenance from their respective kin. Looking into the circumstances and general condition of the maintenance, the maintenance allowance is fixed by the traditional tribal council.

GUARDIANSHIP

The concept of guardianship is known to the Bhils. A full blood relative has preference over the half blood relative in case of guardianship. A guardian is always senior than

his/her ward. Guardianship is fixed before the lineage elders or tribal village councillor, on the request of the minor, or some one who has genuine concern for a minor. The concept of minorship is not there, but a person who can plough a field on his own, whose mustaches have grown and who has got married is generally considered as major. In case of a girl, who can carry the pot, and who gets married is considered a major. All the minors have right of maintenance and protection from their guardian. Father, Mother, Grandfather, Grand mother, Father's brother, Father's Brother's wife, Mother's brother and Mother's brother's wife are considered natural guardian in that order.

CUSTODIAN

When some one has to go out in search of employment or earning a living, he may put his valuable with someone in whom he/she has trust. The custodian can keep the property, but generally he can not use it for himself in the same form or even in changed form. He can not give it to someone else without the consent of the owner, even for custody. He can not sell, mortgage, exchange or dispose of it in any other way.

Not only ornaments, cash etc are also given in custody and even domestic animals are also given in custody. These animals and their progress are the property of original owner. Though milk, butter, whey, etc. perishable products of such animal could be utilized by the custodian, the durable product like ghee should be given to original owner.

HALI

Almost all the Bhils do agriculture work themselves, except those who have land more then they can personally handle which they can not till themselves, or those who are leaders and cannot find time to do the agricultural work themselves, can engage 'Hali'. Hali is generally a male member, and mostly a near relative. If one can not get any one from one's kin as hali, only then some other Bhil youth is kept as Hali.

Hali can be fixed for yearly contract or for a season only. In the village council or in presence of some elders of the village the contract is fixed.

What agricultural work the hali would have to perform is fixed at the time of making the contract. Whatever conditions the Hali or the owner of the farm wants to put, he can put, forward, in the presence of village elders or village council at the time of contract. If anything which is not fixed at the time of making the contract, the hali can refuse to do. Of course, nothing is written about those contract on paper, it is all oral. But whatever is fixed orally, is morally accepted as obligatory by both the parties.

BHIL RELIGIOUS BELIEFS

The Bhils observe following festivals : (1) Holi, (2) Chul, (3) Shivaratri, (4) Akhatrij, (5) Rakshabandhan, (6) Gokul Atham, (7) Navaratri (8) Diwali, (9) Amlī agiaras, (10) Siteri Punam.

From the above list we can see that majority of the Bhil festivals are similar to those of the neighbouring Hindus.

Quite a few families from different villages in Jhalod area are converted to christianity. They are both Protestants and Catholics. They believe in christainity, attend sunday prayers in nearby church and observe christian festivals.

WITCHCRAFT

The Bhils believe in witchcraft, sorcery and black magic. The witch is considered as menace in Bhil society and one who is believed to be a witch, is beaten up, if she is found responsible for some near one's or dear one's sickness or death.

Bhuva is considered a priest who knows black magic, who can fight through his

knowledge with the witch and who can take out the evil spirit from the sick person and who can cure the disease. He can offer sacrifice.

The training for Bhuva and witch is taken from a Guru, who knows the art, and on completion of the training they have to offer a sacrifice, someone from their nearest kins i.e. son, daughter, husband or wife. It is considered obligatory for each of the trainee to undergo this ordeal and failure on the part of trainee costs his or her life. Only on completion of this ordeal one is considered full-witch or Bhuva, as the case may be, though with spread of education the influence of Bhuva and witch have reduced greatly, still it is a matter of trust and belief in the Bhil Area.

THE BHILS OMEN AND ILL OMEN

The Bhils believe in omen and ill-omen.

1. When one goes out, a woman with a pot without water meets, it is considered an ill-omen.
2. If an ass breus on the left side while getting start for a work or on the right side, while reaching the place, it is considered a good omen.
3. If she-crow's voice is heard on left side, it is a good omen.
4. If a goat climbs on the house, it is an ill-omen.
5. If a fox or a serpant is passing on the way, it is an ill-omen.
6. If while going out, if one gets herb on the left thumb is is an ill-omen.
7. If two bullocks urinate at the same time when they are ploughed, the bumper rice crop would come up.
8. If some one gets a corpse, it is an ill-omen.

9. If milk gets spilt, it is an ill-omen.
10. If an owl is heard during the night, it is an ill-omen.
11. If bird called "chibri" heard in right side, it is a good omen but if on left, it is other wise.

THE BHIL PANCH

The traditional Bhil panch can be divided in three or four stages. Falia Panch or Pada Panch, Village Panch, Area Panch and Bhil Community General Panch. The Falia Panch consists of elder members of each lineage or family of the Falia or Pada. Village Panch includes almost all the lineage of the village, and Sarpanch or Patel of the village. In the area Panch, which is also of informal nature, Generally Bhil elders or influential leaders of the Bhil Community are included. They discuss the various matters concerning the community, mostly on some social occasions like death or karaj or barmu or even marriage, and decide and announce their decisions about certain social matters, which they expect to be followed by the tribesmen. For the approval and backing several members speak on such occasions to support the decision taken by the leaders as a group. These decisions are quoted on appropriate occasions, while deciding on some social matters in the area and even at village or falia level traditional tribal council meetings. No women is permitted to attend the traditional tribal council meeting, even at the village level, except as witness, or where a case concerning her is going in or where her opinion regarding the matter is felt essential by the tribal council. Her opinion is considered by the tribal court but she is not considered the member of the traditional tribal council. It is the domain of the males only. Even in the Gramsabhas of the Bhil area under study, hardly any woman member of statutory panchayat is allowed to participate effectively in the deliberations of the Gramsabhas.

In the traditional tribal court both the parties are heard by the 'Pansatta' - Judge, witnesses of both the side also can be produced and after looking into all the circum-

stances, they come to certain conclusions. If need arises, they consult among themselves, and at last the decision is declared which is binding to both the parties. If any of the party does not agree to the decision he may appeal to the higher court or may go to the statutory Nyay samiti or court of law. Formerly it was forbidden according to Bhil customary laws but now it is permitted.

CONCLUSION

The Bhils, the largest tribal group in Gujarat has its own traditional customary laws. Though in many respect their customary laws are quite similar to traditional Hindu laws but at some places they do differ greatly, in their viewpoint as well as in their application and observation. The customary laws of the tribe, existing at a particular point of time should be respected and regarded as common of the tribe of the area.