CHAPTER-IV

SOCIAL CONTROL MECHANISM
Law is a subject which can be treated in more than one context. It is certainly an aspect of government since the basic responsibility of the state is recognized to be the maintenance of law and order. But since it is concerned with rules of conduct and the forces which operate to secure respect for these rules, it also belongs to the wider field that social scientists call social control. Every society has rules that it calls ‘rules’ and others that it calls ‘customs’. Both are matters of knowing how people except you to behave and what you can expect of them. When there are what Malinowski called ‘codes, courts and custodians’ people recognize that you can do many things that other people won’t like, but only some of them will get you into trouble with the police, that you may have many grievances against other people, but you can only go to law about some of them.\(^1\) The difficulty of definition arises where there are no courts or constables. Some writers on that type of society play safe by referring to ‘customary law’. The Sugalis have framed the customary laws and to safeguard their interests and customs, they organized the ‘Gor Panchayat or Nasab’. But the sole aim of the Panchayat is to preserve their customary laws intact. The aim of these laws and practices has been to maintain internal peace, law and order, check crime and breach of their traditional customs and practices, ensure adherence to their religious beliefs and ritual practices.
SOCIETAL JURISMETRICS AND JURISDICTIONAL BOUNDARIES

The Sugalis have their own customary laws and their own way of administration of justice. They do not have any written law but they are orally conversant with these. It seems that the basis which determine the nature of the Sugali Law, principles, which guide in imparting justice and related basis of punishment, all are directed towards one aim of preservation of the age old customs, practices, traditions and usages. Accordingly, to them to follow a custom is to follow a law and to deviate from it is to effect a breach of law. The very enforcement towards adherence to a custom, turns a custom into a law particularly when the custom is virtually connected with the display of standardized inter-personal relationship between the members of a society in any sphere of its activity that a slight breach is not only a strikingly alarming anachronism but also an irksome, incongruent and irreconcilable anathema to every one’s sense of traditional reasoning. For them, the custom is as sacrosanct as an edict of law and the nature and the manner of dispensation of justice is based on it.

The Gor Panchayat plays an important role in the social, religious and cultural life of the Sugalis. The jurisdiction of the village council is too wider to cover the grievous crimes like murder, kidnapping etc. It is possible to bring about every kind of offence within their jurisdiction, except those offences committed against the state.

Customary laws of the Sugalis deal with the questions of marriage, divorce, succession, guardianship, adoption,
maintenance and any religious usages or institutions, etc. It covers more or less all the aspects of the day-to-day life of the Sugalis. The rule of law become material only after exhausting the various methods to ascertain customs and when it is positively proved that there is no customary law relating to that specific cases.

Customary laws of the Sugalis can be defined as the precedences and conventions laid down by their past ancestors with the sole objective of maintaining internal unity and peaceful living and preserving their social as well as religious ceremonies, rites and practices based on their concept of ethics and interpretation of the supernatural belief. They are conscious that these traditions have passed down from generation to generation without any alterations or amendments. Breach of these traditions is neither contemplated nor tolerated by any one as it is regarded as a crime against the society itself. And hence the offender becomes liable to punishment under the provisions of customary laws.

The Sugali society is egalitarian. They are free to speak anything. They express their griefs and anxieties before the Gor Panchayat. They have a strong sense of solidarity. Economic interdependence among the Sugalis is very low. They strictly adhered to the customary laws and practice the rites de passage. They feel proud of calling themselves as Gors and Rajput Gor Banjara. They call the non-Sugalis as ‘Kor’. They call the male number as ‘Gormati’ and female as ‘Gorbai’ or ‘Gorni’. They feel proud of having a great cultural heritage and express it on several occasions. During the marriage ceremonies, they say,
Ram Bandho Ghant Janapancho Sod Sakha, Panch Byasan Bandha Ghant Rameer booth Chuti Koni.' It means the elders in the Sugali society can untie the knot of Lord Sri Rama. But it is not possible for Lord Sri Rama to do the same. The Sugalis give due respect to the world of their elders.

As stated above, the whole of the Sugali society is built on a solid foundation of equality. It is based on unconditional acceptance of all life forms including trees, water, earth etc. This acceptance is based on a recognition of all things being mutually dependent on each other, what is often referred to as their symbolic relationship with nature.

Since this acceptance is total and unconditional, it automatically means that the other person or element in a relationship is treated with respect. Equality therefore in Sugali society is not some distant dream or goal to be attained, it is an integral part of how their society is structured. It is the natural outcome of treating everything with respect.

In the Sugali society, different kinds of norms are enforced by different kinds of social or collecting sanction, and norms, may accordingly be classified according to their sanctions. Malinowski, distinguishes three main classes of norms: religious rules, punishment of whose breach (sin) is supernaturally entailed by its very commital; customary rules, whose breach (improper conduct) is punished by ridicule and social contempt; and legal norms, whose breach (‘crime’) in ‘punished by the decision of the community, acting as a whole or by its central organs, or certain groups of it. In the Sugali
society also one can find a distinction between the religious and social norms whose breach may result in punishment in the form of fine and excommunication. Following the conditions of Sugali social life, there exists a distinction between civil and criminal law. The civil law comprises all the rules governing social life. Under civil law in their society, one can understand the set of rules regulating all the normal relations between persons, as kinship, marriage, economic cooperation and distribution, trading, etc., and between persons and things, property inheritance, etc. These are 'the fundamental rules which must be observed'. Their infraction is a lurking temptation, and there are always individuals who succumb. As a preventive, or reaction, to this there exist some measures of restriction and redress; broadly speaking, some restraining forces. From this follows the distinction between civil law, 'a set of rules regulating the social mechanism in its stationary, normal course and criminal law, the safety arrangements, putting things aright whenever there is any hitch in their normal course. The taboo or prohibition is distinctly the conception covering what one would call law in the society. In their society, it is enforced by a supernatural sanction by the fear of the evil results, automatically following the offence.

Malinowski in his writings on the Trobriand islanders, where for the first time he discusses law in extensive detail, returns to the concept of fundamental rules of conduct. He refers to 'primitive law' as the various forces which make for order, uniformity and cohesion in a savage tribe. He defines civil law more comprehensively as a class of binding rules
which control most aspects of tribal life, which regulate personal relations between kinsmen, clansmen and tribesmen, settle economic relations, exercise power and magic, the status of husband and wife and of their respective families. On the other hand, the fundamental rules safeguarding life, property and personality from the class which might be described as "criminal law"; in this class he also includes the rules safeguarding such institutions as chieftainship, exogamy, rank and marriage.²

The criminal law in the Sugali society, has as its sanction 'tribal punishment, due to a reaction in anger and indignation of the whole community.' But there is no formal administration of justice according to a code and by fixed methods. Instead, the principles according to which crime is punished are very vague, and the methods of carrying out retribution are fitful, governed by chance and personal passion of the Naiks of thanda and the Gor Panchayat.

STATUS OF SUGALI LAW

The Sugalis have no form of writing. There is, consequently, no written law. The Sugali law has two sources of origin: taboo (which is essentially religious) and custom. The customary law is the more important from the greater frequency of its application.

The breaking of a taboo that concerns the person or possessions of an individual of another family is a crime. The following instances will illustrate:
In nearly all thandas of Sugalis, it is a taboo for non-Sugalis to pass through a rice field when it is being harvested. It is also taboo for outsiders to enter a thanda when it is observing its ceremonial idleness, at the close of harvest time. One who breaks this taboo would be subject to fine.

It is a taboo to use certain language, and to do certain things in the presence of one's own kin of the opposite sex that are of the degrees of kinship within which marriage is forbidden or in the presence of another and such kindred of his or to make any except the most delicately concealed references to matters connected with sex, sexual intercourse, and reproduction. Even these delicately concealed references are permissible only in cases of real necessity. The breaking of this taboo is a serious offence. One who broke the taboo in the presence of his own female kin would not be punished except in so far as the contempt of his fellows is a punishment.

A third person may make no remark in the presence of kin of the opposite sex as to the fitness of the girl's clothing, as to her beauty. Many ordinary things must be called by other than their ordinary names. Even the aged priests who officiate at a birth feast must refer in their prayers to the foetus about to be born as "the friend" and to the placenta as "his blanker". A great number of things are forbidden in the presence of kindred of opposite sex that would not shock even the most prudish of our own people.
General Principles of the Sugali Legal System

Its Personal Character: The Sugali society does not punish culprits and injuries unless there is a strong evidence. They are punished formally by the Gor Panchayat.

Collective responsibility: Not only the individual who commits an offence but his kin, in proportion to the nearness of their kinship, are responsible for the offence. Their responsibility is slightly less than his. This applies not only to crimes but to debts and civil injuries.

The family unity must at all hazards be preserved: Clemency is shown towards the remoter kin in order to secure their locality to the family group. A large unified family is in the ideal position of being “strong to demand and strong to resist demands”.

Collective recipiency of Punishment: Though the cases of incest are not seen in their society, the customary law makes the entire family group to be collectively responsible for it. The family group is collectively responsible for the delinquencies of its members, but in less degree than the delinquent himself, so may punishment be meted out to individuals of the group other than the acted culprit, although naturally it is preferred to punish the actual culprit; and so may debts or indemnities be collected from them.

Go – Between

No transaction of importance of any sort between persons of different families is consummated without the intervention of
a middleman, or go-between. The Naik of the thanda acts as an intermediary in all civil transactions.

Very often the elders in the traditional council also act as the Go-betweens. They are used commonly in

(a) buying and selling of family property of whatever kind or value;
(b) buying and selling of cattle and the more valuable personal property.
(c) The borrowing of money or other wealth
(d) Marriage proposals and the negotiating of marriage contracts;
(e) Collection of debts
(f) Demands for damages to property or persons

The go-between is the principal witness to a transaction. For his services he receives pay which is fixed to a fair degree of exactness for a particular service. This pay ranges from Rs.100 to Rs.1000.

**Responsibility of go-between**: Go-betweens are responsible to both parties to a transaction, for the correct rendering of tenders, offers, and payments. Their word binds only themselves, however not their principals. Go-betweens are not agents of one party more than another. They are supposed to be impartial, and interested only in consummating the transaction involved in order to get their fee.
SOCIAL CONTROL: POLITICAL ORGANIZATION

There could be no coherent social life unless the social relationships which bind people together were at least to some degree orderly, institutionalized and predictable. The only alternative to order is chaos. To maintain an orderly system of social relations people have to be subjected to some degree of compulsion; they cannot, all the time, do exactly as they like. For often self-interest may incite behaviour incompatible with the common good, and so it is that in every society some rules, some kinds of constraint on people’s behaviour, are acknowledged and, on the whole, adhered to. These rules and the means by which they are enforced differ greatly from society to society, but always they more or less effectively secure some degree of social order.

The researcher speaks about Sugali political organization as the maintenance of ordered relations between groups of people in their society. Here the political unit is defined territorially i.e., thandas. The political system is usually referred to as certain kinds of social relationships within a thanda. When on the other hand, the anthropologists speak of law and social sanctions as the behaviour of individuals and of the relationships between them, and of the social factors, which by and large, ensure their conformity to the accepted rules of the society. Hence the Sugali Gor Panchayat, which is a political institution have a legal or sanctioning aspect. Usually the Sugali political organization is more elaborate. These are specialized political functionaries and organized structure of authority backed by physical force. The ‘Naik Parampara’ in the
characteristic feature of Sugali political organization. The Sugali society functions with formal head man at the highest level. The community possesses well-defined procedures for ensuring that its members observe caste norms, as well as for settling disputes between individuals or factions and for deciding upon united caste action. Whenever it becomes necessary for the community as a whole to take action, the elders’ council called Gor Panchayat takes necessary steps by arranging the meeting.

It is ironical that the Sugalis, who were once soldiers and suppliers of foodgrains and arms to the armies have to live far away in the forests and mountainous regions. Therefore they were not politically conscious for a long time. Now they have become politically conscious. It is interesting to note that though they are away from the civilized way of life they have developed their own political system called ‘Gor Panchayat’.

The ‘Daliya’ who is the drum beater announces the date and time of the panchayat meeting. The ‘Naik’ is the head of the Gor Panchayat.

The Naik cannot be called as the executive head of thanda but rather an emblem, or symbol, of the whole Sugali community, means through which the Sugali community express their sense of tribal unity and identity. The political authority exercised by Naik involves the existence of a shared system of values, which include the acceptance of the political and social institutions through which the authority is exercised. The Naik is vested with the right to issue orders and administer sanctions.
in the thandas. Such activity is directed towards the maintenance of the existing social order in the community.

In the medieval period, when they started settling down in various parts of Karnataka and Andhra Pradesh, the grounds of eligibility to Naikship of Gor Panchayat was varied; sometimes descent was relevant (for example membership of good family) but more usually any kind of social pre-eminence, such as outstanding wealth or ability, extraordinary skills in warfare etc., formed an acceptable qualification. As the thanda is the political, social and economic unit in all matters, the Naik has control over the thanda's people who comprise 20 to 100 families with kinship ties.

Earlier the Naik was selected by the group of elders on the basis of the assessment of his character. Co-ordination and ability to lead the group through difficult situation are the basic qualifications for the headmanship of a thanda.

But in the modern period, the eligibility criteria for the Naikship has changed and it has become hereditary in some thandas of Anantapur district. The bounds of clanship and kinship also play an important role in selecting the Naik. It also involves the exact knowledge of genealogical connection of the person with the previous Naik of the thandas. The members of a Naik’s family descended agnatically from a particular man (Naik) say five generations back may see themselves as a unit as against all the agnatic descendents of that man’s brother. Often the groups so established maintain a relationship of actual or potential opposition to one another. This opposition is
characteristically expressed in the institution of the blood feud. Since the blood feud is essentially a group matter, it is plain that it can only occur where there is a high degree of group solidarity and this is evident in the Sugali society.

The karbhari post is also hereditary. Sometimes he is selected from amongst the elders (Davsan) of the Gor Panchayat. He gives the advice in the crucial legal matters and executes the decision taken by the panchayat. Just like the Naik, the Karbhari is supposed to be very intelligent and possess far sightedness.

**Gor Panchayat**

It may be noted that the Sugali society functions with formal headman at the highest level. The community possesses well defined procedures for ensuring that its members observe caste norms, as well as for settling disputes between individuals or factions and for deciding upon united caste action. Whenever it becomes necessary for the community as a whole to take action, the elder council called ‘Gor Panchayat’ takes necessary steps by arranging the meeting. According to some elders of the community who stated in their dialect:

"Panchayat raja bojer Sabha - Lakhan Savvalakh - Bhair - Anand somer Kushan-bhai aapan anand saga apan sakal-talchi pael dhyam hai to koti kholu gyan nahito panchome bagavan talwa he sansar me bhant-bhat ke loks-ab-ke halmal chaliya, to nandi nam Sanyog-Yeva asgane yeve kariye yeva nandi neer dhopo-dhap singh siya to jir chadhe seet – yeva sagane yeva najye yevach sing da-taki log..."
It means, “this predominant Panchayat is the sabha or durbar of Raja Bhoj. The members of this panchayat represent lakhs or one and quarter lakhs of our brothers. It swears by the name Tachi Patel and say that if we remain and think god will live in panchas, the society will progress like the nexus of rivers. We shall keep our minds clean and moving, if we all come and think together our hearts will be pure, and we shall glitter like a diamond of the crown.”

The title ‘Naik’:

In the early period, the Sugalis had their clan names as the suffix to their names. In the 15th century A.D, they came down to south as the goods transporters on packed bullock carts and settled down in various parts of South India. They joined the service of Tipu Sultan, the ruler of Sri Ranga Pattanam and fought against the Britishers. They exhibited their skills on the battle field and also spied for the ruler. The Sultan recognized the services rendered by the Sugalis and conferred the title ‘Naik’ upon them. Cheenya Naik in his work, “Banjara Charitra, Samskruti-Pragati”, says that the Sugalis are the Kshatriyas and hence they took the side of Tipu Sultan against the Britishers. His great grand father had participated in the war and obtained a sword and javeline, as the gifts from the sultan. The Sugalis were held responsible for the victory of sultan. The result was that he issued a copper plate inscription which registers the grant of freedom to them in four aspects. They are:
1. When they lead a pastoral life, while moving across the villages, their bullocks are to be allowed to drink water without any restriction.

2. The Sugalis are given permission to graze their cattle on the green fields.

3. The Sugalis are not obstructed from cutting the fruits like watermelon etc., which are grown in the tanks during summer.

4. Bara Khuni Maaf: When there is a threat to their life, then they are permitted to kill 12 persons a day. If the number exceeds 12, then they can be prosecuted.

Except in the Telangana region, the Sugalis of South India, have the title Naik as the suffix to their names.

The Naik is the Headman of the Gor Panchayat of the thanda. Kharbari is the secretary who assists the Naik. The other members of the Gor Panchayat are known as ‘Panch’. The ‘Davoo’ is the Deputy of the Naik of the thanda.

**The Naik – Official Duties**

The main position of authority has been that of the Naik of the thanda; only within the last few years has the start of an officially sponsored village committee weakened his pre-eminence. The Naik is an elected office-holder, the chief representative of the thanda, and until now the leader of the thanda in its dealings with official dom.

Occasionally there were complications of succession; there exists hierarchy among the members of the Gor Panchayat.
At anytime, there are differences in the personalities and inclinations of the office-holders which make them more or less influential. The Naik is the most respected man in the thanda. He does his job towards the inhabitants, but does not make any great efforts for outsiders. It is said that he 'escapes to the fields' when he hears of the approach of an official; and he himself admits that he grudges the time spent on entertaining visitors. The Naik is to be able to entertain work so that he can spend time on official business, and has wisdom and experience enough to use his authority correctly and these are the criteria cited for a successful headman.

The most important duty of the Naik is the preservation of law and order and also their customary law. He also acts as the channel for much other official business, though this task is now devolving increasingly on to the village committee. Conversely, the Naik is the main link for communication upwards, from the Sugalis to Government.

He also takes the lead in certain rites held on a thanda wide basis. He participates in all the major annual occasions like Holi, Dasara and Teej festivals. He has to see that the programme runs smoothly as there will be a large feminine gathering. The above cited festivals are the major annual occasions for village gatherings. Almost the whole thanda assembles in one place; and the Naik and other officials act on behalf of the entire population. There are some rites which are only periodic. One such is the worship of the Seetla Mata, the small pox goddess, which is a thanks giving made every 20 years or so by women with children who have had small pox.
and recovered. This was an innovation. The Naik and his wife initiate the procession round the thandas and finally reaching the shrine of the Seetla Mata. Sometimes there are rites in emergencies. An instance is when there is an epidemic among the cattle in Pampanuru thandas, the Naik do homage to the deities of the Sugalis.

The Kharbari is the secretary of the Naik of the thanda. He assists the Naik in all the legal discussions and in delivering the verdict. In the mid of the serious discussion in Gor Panchayat meeting, the Kharbari narrates the fairy tales (Sāki) and also quotes the proverbs (Kanyeeko Kachabhā).

The Dhavoo is the Deputy of the Naik. In the absence of the Naik, he performs the duties of the Naik. The kharbari assists and advice the Dhavoo.

The other members in the Gor Panchayat are known as 'Panch'. They are the elders of the thanda and are well known for giving the legal advices. Their suggestions are appreciated and obeyed by the Gor Panchayat. They are very skilled in solving difficult cases by the way of using proverbs and sayings.

The 'Dhalia' is the Drum-beater-cum-Messenger. He announces the time of the meeting of the Gor Panchayat. It is his duty to bring the litigant before the Naik. It is obligatory for him to attend the traditional council. He serves the people in the thanda and survives at the mercy of the people in the thanda. It is his duty to announce the Sugali community about the auspicious occasions, festivities, fairs and marriage dates. The
Sugali community utilizes the services of the Dhalia at the time of marriages, and debate ceremonies.

The ‘Dhadis’ are the professional singers. They proudly call themselves as ‘Gajugowa’. The word ‘gonia’ in Rajasthani language means a superior singer.\(^5\) These Dhadis resemble the Sugalis in language, dress, speech, behaviour and food.

They have also adopted some traditions and practices pertaining to a mixed Islamic culture. The origin of these professional singers is unknown and their origin can be found out only on the basics of some historical facts and the oral tradition.

R.Russel and Hiralal Roy Bahadur say's that, “These Dhadis submit that they are Sugalis’ Bhat (servant). These people embraced Islam during the period of Humayun, the great mughal emperor.”\(^6\)

F.N.Cumberlej says, “Dhadis and Bhat are the same in Madhya Pradesh. Bhats are the ancestors of the Dhadis. At the court of Humayun, the servant of Guru Nanak was made to eat beef through cheating. He embraced Islam. His predecessors were Dhadis. Some of them entered the court of Mughals as professional singers and some became the social servants of the Lambadis. These singers offered prayers at the Mughal court. Once in a year, they go to the house of Lambanis and accept presents.”\(^7\)
This mixed culture of Hinduism and Islam is characteristic of the Dhadis. These Dhadis are professional singers and play the musical instruments like Sarang and Rabab:

“The Meerasis of Punjab and Dhadis of Rajasthan also use those stringed musical instruments while singing. The Bhtags and Dhadis are popular professional singers in Punjab. They can sing songs before a huge audience through out the night. They also use Alghos, Ekatari and Sarangi as musical instruments. The heroic songs, epics and romantic ballads are numerous in their literature.”8 Hence these Dhadis are similar to the Bhtags and Meerasis of Punjab. These dhadis have a distinguished place in the Sugali community. They are the custodians of the Sugali culture. They wander from one thanda to another providing entertainment through the stories, narrative songs and propagate their religion and culture. He attends the Gor Panchayat and helps the Naik in giving judgement, by quoting the proverbs and logically explaining the heroic fairy tales.

Besides this, the Dhadis were engaging in the work of finding out the brides and bride grooms and settle marriages. They have a special place during marriage and other religious ceremonies. They shoulder the responsibility during marriage ceremony. As the Sugalis were the nomadic traders in the ancient days, these people served the Sugali society as entertainers, messengers, brokers, fortune tellers and folk doctors. Thus they have preserved and protected the Sugali culture. The Sugalis provide them the livelihood by way of presenting cash, cattle and food grains.
**Naavi:** He looks after the needs and necessities of the Gor Panchayat. He is the professional barber in the thanda. The Dhadi, Navi, and Dhalia are considered as untouchables by the Sugali community. These people are offered food, cattle and food grains by the Sugalis.

The Gor Panchayat settles the following problem:

(i) **Nasab:** criminal cases
(ii) **Hasab:** settling the property disputes
(iii) **Matao:** to settle the inter-thanda disputes and inter-regional disputes.

The Gor Panchayat tries all kinds of offences trifling as well as heinous offences. These are as follows:

1. Theft of cattle
2. Dacoity
3. Robbery
4. Mischief by fire
5. Kidnapping
6. Disputes related to land, water and property
7. Matrimonial matter
8. Expectant baby in the womb
9. Disputes related to sharing of agricultural implements and animals among the members of the joint family.
10. Adultery.

All these cases within the Sugali society are dealt with by the Gor Panchayat. If the culprit is a Kor or non-Sugali, then they approach the nearby police station and file a case against him. Hence we can say that the Gor Panchayat tries to settle the
disputes among the Sugalis only. The reason is, an outsider cannot abide by the rules and restrictions of the Sugali community. A Sugali is quite adhered to his community and so he obeys the orders of the Gor Panchayat.

The panchayat does not hesitate in punishing the guilty. The penalty is according to the nature of offence. The penalty is generally imposed in three ways:

(i) Fine in cash or kind
(ii) Public reprimand (humiliation) and
(iii) Social boycott of the culprit by the entire society and non-cooperation with the daily routine of his life.

Hatton, in his work, 'caste in India,' says that there are 24 types of punishment imposed by the Indian castes and tribes.

Nanjundayya & Iyer, in the work, 'The Mysore tribes and castes,' have given an account of the punishments and the fines imposed. They are as follows:

1. Petty crimes are fined at the rate of 5 rupees as a mullet, payable to wool sack.
2. The next great fine is a rupee to be paid in the name of the seven families of Rathore, in addition to a fine to the wool sack, making twelve rupees.
3. The greatest fine that can be levied is seven rupees to the Rathores, six to the tribe of Chouhan, and 12 to that of Pamhar, besides five to the wool sack making the extreme sum of thirty rupees.
Though the above listed fines are imposed on the culprits, this is not continued in the present days. The Naik of the thandas impose the punishment irrespective of the clan.

The other penalties inflicted may be corporal punishment, or the performance of a pilgrimage, or the collection of a fine by begging. But there is no evidence of death punishment. This is best reflected in the Nanjundayya and Iyer’s work, ‘The Mysore Tribes and Castes’, where it is said that no Banjara should be liable to suffer death by the hand of the Magistrate or Naik of the Thanda.

However, the most severe and familiar punishment imposed by Gor Panchayat is that which deprives a Sugali of the right to receive water, or the tobacco pipe, from the hands of his fellow men and forbids them likewise to receive it from him; they say, ‘Hukka, Pani bandh.’ If the case is very serious, then the person along with his family members are ex-communicated for a stipulated period. The ex-communicated people are not allowed to converse with the other people in the thanda. So also the people of the thandas should not maintain any relation with him. He is not allowed to attend the marriages, and death ceremonies and he should not celebrate the festivals in the thandas.

The details of the fine imposed by the Gor Panchayat are:
1. A murderer is fined an amount of Rs.350 and bear the expenditure of the Gor Panchayat (Khuner Sadetinso Pancher Vanjan).
2. A slanderer is fined an amount of Rs.60 (Chādiyār Sat).
3. A thief was to pay the cost of stolen articles plus an amount of Rs.25 (Māler, Moi, Pancher Panchchis).

There was severe punishment for abduction and rape:
1. If a maiden is raped the penalty is Rs.75 (Kunwārir Punāso)
2. For raping a married woman penalty is Rs.125 (Wāyāwalir Savvāsō).
3. For raping a widow an amount of Rs.150 as a penalty (Rānd beerēr dodasō).

It is also the duty of the Naik to settle the quarrels between the spouses. Scandals or dishonourable behaviour in a family are likely to spoil the name of the lineage and as such tradition enjoins the Gor Panchayat to advise, warn and even admonish the erring members. A young man given to excessive drinking, gambling or any similar vice would often be admonished by the elders council. If he cannot keep his wife under control, or if the quarrels of the two become very frequent and too public, the neighbours would convey the information to the Gor Panchayat and expect them to use their initiative in putting things right. In all such cases they will be within their customary rights if they intervene. The Naik can demand that his advice is heard and followed.

Any failure or reluctance on the part of a daughter-in-law to carry out the wishes of her mother-in-law leads to constant quarrels and complications and in many cases to ultimate separation. The Naik intervenes in such matters and tries to bring about reconciliation between the two.
Now-a-days, the Gor Panchayat is concerned as much with reconciling the parties as with awarding damages or punishing offences. The Sugalis believe that an offence may disturb the balance between two groups, and this must be righted by an appropriate payment from the offender’s side. Hence reconciliation is brought between the two parties. But modernity has not affected this age-old system of punishment and penalty in the panchayat system. The Gor Panchayat of the Sugalis has a prominent place in modern times. The present day Lok-Adalats are based on this model.

However, the orthodoxy of the traditional leaders has become an incipient barrier to the social and economic development of the thandas. They lay more emphasis on following the traditional ways of life and punish those who do not conform to them and disobey the traditional caste councils in which they act as influential members.

Social Control

The deliberations of the Gor Panchayat cover a wide range of subjects. It deals with infringements of the rules of inter-caste relations (eating, drinking or smoking with forbidden castes, or allowing them to enter one’s house); contracting marriage or sex relations within forbidden degrees of kin and the killing of certain animals (cows and bullocks, squirrels, peacock etc). All these offences are ritual ones since they require a purification (a penitential pilgrimage to the temple of Sevabhaya at Cherlopalli in Gooty taluq of Anantapur district) as well as punishment (a fine, or the feeding of fellow beings).
The Gor Panchayat also concerns itself with secular offences which do not need to be reported to the authorities, eg., disputes between men of their own tribe over land, non-cognizable assaults, non-payment of debts by sub tribe mates, the breaking of an engagement of marriage. In addition, the Gor Panchayat may be held about matters of general importance – raising subscriptions for the construction of a temple in the thanda, and changing the jangad’s name or recognizing him as a member of a particular clan so as to raise his status.

DISPUTE SETTLEMENT IN THE SUGALI SOCIETY

The Anthropology of Law: There are two sides to power relations and political organization as seen by anthropologists; how people organize themselves into collectivities, notably to pursue coordinated and cooperative actions, and how they cope with and settle disputes which threaten to disrupt collective organization, even social life, beyond a small circle of close relatives. The anthropology of law concerns itself with the comparative study of the institutions and processes found around the world for resolving differences between human beings and forcing into line those individuals whose behaviour threatens the orderly continuance of social life.

The Gor Panchayat of the Sugali society has some clear, and some not so clear, conceptions of right and wrong behaviour and expectations of one another founded on the rights and duties which they conceive persons to have towards one another. Anthropologists refer to these variously as customs, norms and mores, even rules and laws. When a man and his wife
clear and plant a garden, for instance, it is wrong for anyone
else to harvest its produce without their permission; to do so is
to steal from them. Similarly, in many thandas it is wrong for a
couple to engage in sexual intercourse before the bride wealth
exchanges are completed and they are formally married; to do
so is referred to in many languages as ‘stealing a woman’ and
provokes claims for recompense from the woman’s relatives.
Rape is a heinous offence which provokes strident social
condemnation and firm, often violent, retaliation.

In any society there will be a range of such injunctions
which people are brought up to respect and observe. The people
who feature ethnographically in this chapter, for example, are
reported to have more than hundred such legal ‘rules’. But the
status of such ‘rules’ in the stateless context should be
approached with some caution and open-mindedness. Few
people asked were apparently able to cite any of the ‘rules’ and
probably no single individual knew them all. When this ideal
code of expected behaviour, rights and appropriate settlements
was compared with actual disputes over infringements and their
resolution, only 50 per cent of cases complied with it.
Situational factors sometimes can determine the outcome of
disputes as much as people’s ideas about what ought or ought
not to be done about any dereliction.

Handling Disputes

The Naik of the thanda handle disputes by arguing,
keeping their tempers in check to varying extents, until they
settle the matter to both parties’ satisfaction, one admits having
been wrong and makes amends or the plaintiff either lets the
matter drop or resorts to some action which may cause the
dispute to spiral,, the other party interpreting the action as
unjust and demanding damages, and so on. Two factors which
have a significant influence on the course of a dispute are the
relationships between the disputants and the seriousness of the
offence. These determine the number of people likely to become
involved or at least to show an interest in the dispute and the
strength of their feelings about the matter. A minor dispute
between close relatives will probably pass with few, if any,
other persons interfering, a quarrel between two brothers over
ownership of a tree in a piece of land owned by their father for
instance, or a domestic quarrel between the husband and wife
are unlikely to attract much interest or give rise to long-lasting
argument. A serious offence between persons distantly related
or unrelated will, in contrast, involve considerable members of
people siding with their kinsmen, may drag on for some
considerable time, and is likely to give rise to a serious violent
encounter; a man accused of raping an unrelated woman living
elsewhere, for example, will find himself embroiled in an
acrimonious dispute in which the tempers of many indignant
people will run high, with demands form the woman’s relatives
for considerable compensation and probable rebuttals from his
kin that that the accusation is unwarranted.

Anthropologists customarily illustrate general issues
regarding social control with case histories, and a couple of
cases will substantiate these points:
Case-1: This case illustrates a minor dispute involving Naik of the thanda and its settlement. Gona Naik’s first wife of the Pampanuru thanda was jealous of his second wife because the latter was his favourite. She constantly picked quarrels with her co-wife (a common situation in polygamous marriages) and one day started a fight with her hitting her with a stick. This provoked Gona Naik to intervene and threaten his first wife with a beating; bickering he would have to tolerate, as a polygynously married man, but not physical fighting among his wives. The Naik of the Thanda involved, and the two ladies settled back into their uneasy rivalrous relationships.

The second case documents a dispute involving many people over a serious offence against distantly related persons. It also illustrates the point that the history of people’s relations is an important consideration in understanding their behaviour in disputes. The dispute concerns how Gona Naik married his second wife Kamla bai, and it helps us appreciate better his first wife Tulsibai’s jealous outbreak by putting it in its wider context.

Case-2: Gona Naik ought never to have married his second wife, Kamla bai. According to the norms that govern Sugali marriage, she was too closely related to him; for them to marry was, in a sense, incestuous. But when Kamla bai was a young woman they eloped together into the forest and hid. Both his and her relatives were furious at their indecorous act and searched for them in the forest for days without success. Timing of this and realizing that they faced a fait accompli, Kamla bai’s father and her relatives from neighbouring Singampalli thanda
demanded that Gona Naik's kin start making arrangements to pay them bride wealth. They were enraged by this demand. It was a questionable union forced on them by deplorable tactics, and they were being obliged by Gona Naik's cunning behaviour to sponsor another bride wealth transaction for him when he already had a wife. They refused to co-operate; the bride wealth was Gona Naik's business, not theirs. But this time entire sublineages had mobilized on either side. A flash point was reached, and many angry men started fighting with sticks. The result was some bruises and a stand-off. Later, when things had calmed down, Gona Naik and Kamla bai returned, and he arranged a bride wealth exchange to legitimate their questionable union.

The disposal of cases in their traditional manner is very simple. On receiving a complaint a panchayat meeting is held in order to pass judgement. It may be noted in this reference that for the same kind of offence by different individuals, the amount of fine may not be the same. Mostly, the variation of the fine is due to the background of the offender which the panchayat takes note of. If the general view of the people about the offender is not adverse then he may not be as severely fined as the one who has earned the bad reputation of being wicked. In most of the cases, the usual way of settling a case is to impose a fine on the offender. Severe forms of punishments like socio-economic boycott and ex-communication are rarely awarded and these are effected only in grave cases like detection of incestuous relations etc., which tend to disrupt the socio-cultural health.
Economic Offences

1. In the event of theft, the case is generally not referred to Panchayat if the suspect's identity is not clear enough. In such a situation, usually the family, which has incurred loss from theft, will collect some rice from each family of the village to offer the entire amount of rice thus collected to the presiding deity and solicit judgement from these supernatural powers. The Sugalis claim that this is enough to frighten the guilty person as according to the local belief severe misfortune will descend on the offender, subsequently due to the wrath of the deity. On account of this, the offender usually returns the article quite stealthily for fear of supernatural punishment. But, in case the identity of the thief is clear, and that can be proved then the case is referred to the Panchayat. The Panchayat would ask the offender to return the stolen article to its actual owner.

2. In case a person has illegally tilled another's land, taking the advantage of the latter's ignorance or absence from the village, the same is deemed as an offence – an encroachment on other's property. The owner may file a suit to this effect in the Panchayat. The Panchayat would direct the tiller to vacate the land after the standing crop's harvest is over. Besides the offender has to give half the crop to the owner of the land.

3. When a domestic animal belonging to one family causes damage to the crop of another's field, the latter may bring
the incident to the notice of the Panchayat. In this case the Dhavo would inspect the field and assess the amount of damage and may ask the guilty to pay this amount to the complainant family.

Social Offences

Elopement:

In case the betrothed girl elopes with another person, then the boy’s party may take the issue to the Panchayat to get double the amount in cash, spent on account of bride price by them earlier. Sometimes such issues are resolved amicably without the intervention of the panchayat.

Case-3: Balaji Naik’s daughter Tulasi of Pampanuru Thanda was betrothed to Gopi Naik of Singampalli thanda. The latter had also offered the bride price to Balaji Naik. But before the actual marriage took place, Tulasi eloped with Banot Naik of the same village and married him. Balaji Naik himself went to Singampalli thanda and amicably settled the problem by repaying the bride price to Gopi Naik.

Case-4: Bhima Naik of Singampalli thanda eloped with Komala bai of Anantapur who had already taken Rs.1000 from another man of Pampanuru thanda with the promise to marry him. But her eloping with Bhima Naik meant breach of promise to marry. A Gor Panchayat meeting was held in Anantapur in this connection and Bhima Naik paid Rs.2000 (double of the initial sum) as fine.
For all social offences, excepting a breach of clan exogamy, cash fine of different ranges are generally imposed on the offenders. In case of adultery and other sexual offences a fine ranging from Rs.100 to Rs.1000 or above is always imposed by the panchayat. Cases of seduction of a widow will be brought before the panchayat. The panchayat impose a fine of Rs.100 on the offender which surprisingly was a very small sum.

**Regulation of Sex Life:** According to traditional law marriage is settled by negotiation between the parents of a boy and a girl. It is solemnised in an elaborate form, following all the traditional marriage rituals. A man may have a number of wives marrying them in the traditional form.

According to their social norm, it is the prerogative of a husband to seek divorce from his wife. Some of the negating qualities like quarrelsome nature, lethargy in domestic work, bad character, etc., if found in a wife, may prompt the husband to demand the dissolution of marriage. A wife is free to leave her husband at her sweet will, if she finds her marital life miserable. As she loses her maidenhood at her first marriage, her procuring any husband at a subsequent occasion can be effected through elopement; as stated earlier, a widow can also remarry. As a normal rule, an unmarried man is not expected to take a widow or a divorcee as his wife, but it is not strictly followed.

If a man elopes with a married woman and takes her as his wife, he is to compensate the former husband by paying the
requisite fine as fixed by the councils of the two concerned villages; the meeting is held at the new husband's place. Both the men have to entertain the council members of their respective villages with feasts. If an unmarried boy and a girl belonging to marriageable groups elope, the question of paying any compensation by the boy does not arise.

In case of an elopement, if both the partners, i.e., the boy and the girl, happen to belong to non-marriageable groups on account of their sharing a common clan or phratry, the families of both the partners are excommunicated. If they want to be taken back in the society, the Gor Panchayats of the two concerned thandas meet together with those of a few other neighbouring thandas for taking a just decision. In such cases, both the boy and the girl have to undertake expiatory rites. They are taken to the temple in the thanda, a nose ring is heated up and is branded on their tongues; they take purificatory bath in the stream and necessary rituals are observed by sacrificing goats and chickens. Then a feast follows. All these are done at the expense of the boy. He has also to feed all the people of their thanda after they return to the village. His head is shaved and the locks of shaved hair are attached to a pole which is erected on the side of a road as a warning to others.

Another significant issue regarding dispute reconciliation in Sugali society is that people place less premium on justice. All those who live in a locality will have some vested interest in any dispute and its outcome, being related in one way or another and one or both parties. The way in which the relatives of
disputants customarily unite and give them their support, as described reflects their partisan attitudes.

Case-5: Rama Naik of Pampanuru thanda received a buffaloe from a relative of his wife living at Singampalli thanda, for which he contracted to exchange 3 sheep. Later, after handing over 2 sheep, he maintained that things were square between them. The other man, not surprisingly, was annoyed by this, and a dispute erupted. While these wranglings were going on, Rama Naik craftily promised to give a quarter of the sheep to the Naik of the thanda and relatives in Singampalli thanda if they supported his assertions that he had adequately met his obligations over the buffaloe. His distant affinal relative was apparently overcome by the aggressively voiced opinions of these two influential men and their kin at Singampalli and returned home to Pampanuru, letting the matter drop.

It is to be noted that the Gor Panchayat exerts some measure of influence, if not control, over the actions of their fellows. However, their influence in this regard often centres on their wealth manipulating skills, which enable them to contribute significantly to any compensation required to effect a settlement. Every one expects them to use their influence to their own and their relatives’ ends. A serious dispute between distantly related or unrelated individuals concerns many people, and they may need to exploit points of kin connection between them to communicate and effect a peaceful settlement. A dispute will disrupt the social flow of all their lives to some extent, with those related to both sides experiencing this disruption most acutely.
THE EXTENDED CASE METHOD

What all this means is that in a society like that of the Sugalis, we cannot treat a dispute as an isolated event that demands arbitration and settlement. Among the Sugalis, where disputants and would be arbiters are related or at least certainly not strangers, one must see a dispute as one event in a chain of probably life long encounters. Apparent wrong doers may consider their actions justified from this perspective because, as hinted earlier, they even the score for some wrong suffered previously and that wrong itself may have been intended to balance an even earlier misdeed.

It is not clear who is wrong or right in these situations or who has suffered the greater damage. The judicial context in the Sugali society is fairer than ours in some senses, for it automatically allows for the particular circumstances surrounding any dispute. The specific social context conditions people's interpretation of their normative expectations, transgressions of which are not infringement of laws that carry codified punishments but trespasses against flexibly interpreted customary responsibilities. It would be inappropriate in some regards to think in terms of the final and absolute settlement of disputes. It is more apt to consider disputes and their resolution as episodes in a life long tit-for-tat.

Many wrongs, perhaps the majority, are committed not directly as retribution for a previous wrong but during the course of everyday interaction when people's interest come into conflict. Nevertheless, even when one dispute is not directly
related to another, the personal relations between those involved will condition how they behave towards one another if they become embroiled in a dispute. Anthropologists use what is called the extended case method or situational analysis to accommodate this obvious and important point in the study of small scale societies. It derives from the case method, which features prominently in the anthropology of law, as it does in western law. The differences in the use of cases between the two illustrate the gulf between state and state less legal systems. In the state system the case method serves to establish a precedent in the legal code; in the stateless one it demonstrates not merely the principles involved in dispute resolution but the role of social relations. It amounts in anthropology to the use of events. Cases from real life, reported in varying detail to illustrate and substantiate these points. The extended case method traces the connections between one case and another and considers how they impinge on events. In short, it investigates how the history of the relations among a small number of people influences and conditions their behaviour when they quarrel.

Case-6: When Ramji Naik of Pampanuru thanda let it be known that he was thinking of marrying for the third time, it was brought to the Naik of the thanda the way his relatives felt about his socially disruptive and overly self-centred behaviour. Three men in the thanda led the opposition. They pointed out that he had been tardy in contributing to the bride wealth payments of other relatives and that he had tricked them into accepting his marriage to Kamla bai. They urged no one to contribute to the
bride wealth that he would have to amass, as it turned out no one joined in the agricultural activities in his field or helped him to build a new bullock cart.

It is clear that his relatives were refusing to co-operate with him and help him, perhaps in the hope of checking his somewhat unruly and socially disruptive behaviour.

The Sugali society is in a constant flow as individuals daily accommodate to the interpretations of values and actions of others.

We can appreciate why people without state judicial apparatus do not wrong one another with impunity. The interrelated forces that ultimately help keep them in check include the following:

1. The existence of some fundamental, and highly valued urge among well-adjusted Sugalis to maintain stable and orderly social environments in which to live;

2. the intervention of relatives not directly involved in disputes, especially those related to both sides, who value orderly behaviour highly; and

3. the class of social respect and self-esteem that anti-social individuals experience if they fail to make proper amends, which may extend to forging others. Co-operation in every day life or even the breakdown of social relations and violence
Adoption

Case-7: Mitu Bhukya of Pampanuru thanda could not have any issue and in the hope of getting a male child, he contracted a second marriage with a widow aged 35, who had two grown-up sons from her first husband. He did not get any children from the second marriage either, but was cared for by his step-sons. He died without formally bequeathing his property. In view of the services of his second wife and step-children, the panchayat approved the succession of one of the step-sons, Balaji Naik, as the “Son” of the deceased and transferred the rights of property to him. Mitu Bhukya’s agnatic relatives also attended the adoption ratification and partook the feast arranged on the occasion. But, subsequently, the agnatic relatives objected to the use of lands by Balaji Naik, saying that they did not recognize his heirship, since he was not the lineal, direct heir. The Gor Panchayat supported Balaji Naik, adhering to their earlier decision. When pressed, on the ground that the Panchayat had erred in ignoring the lineality while adopting, the Panchayat conceded that an exception on humanitarian grounds was made in this case by adopting Balaji Naik, who was a descendant of another clan, in view of the services the step-children and their mother had rendered to the deceased Mitu Bhukya.

The Panchayat also ruled that, in case the contending agnatic family was interested in Mitu Bhukya’s property, they should pay compensation to the step-sons, and only then could the adoption of Balaji Naik be dissolved.
If the contending family went to court, the Panchayat was ready to boycott the family.

**Case-8:** Another case was that Bhimla Naik of Singampalli thanda, had adopted his cousin – Rupla Naik’s son according to customary informal adoption rites, without any written document in proof of this act. The boy joined his household and assisted Bhimla Naik in cultivating land and adapted himself to the new family. Somehow Rupla Naik suspected that Bhimla Naik might ultimately bequeath his property to his daughter or daughter’s son, to the detriment of his interests.

The suspicion arose partly because of instigation by a relative of Rupla Naik from Pampanuru thanda who knew the legal method of adoption, and partly because Bhimla Naik had not transferred his rights of property to his adopted son in the Government land records. Bhimla Naik argued that since the boy had been adopted by him, after his death the property will any way pass on to him and the Panchayat will certify the fact of adoption, in case of any difficulties. If the property was to be transferred to the son, he asked for a firm promise from the Panchayat for his maintenance in old age by the adopted son. Finally the Panchayat held out two alternatives:

(i) either to continue the adoption as per status quo, or
(ii) to dissolve the adoption and take back his son.

Rupla Naik accepted the second alternative, by removing the waistband tied by Bhimla Naik.
These two cases illustrate the challenge the community's traditional norms relating to inheritance and succession are facing from the modern legal system and the courts.

**Caste Endogamy**

**Case-9:** Tulasi, a girl aged 19, went missing on the evening of April 25, 2005, at Rathibavivanka Thanda. The news of her sudden disappearance spread like wildfire. Dazed by the incident, Tulasi's father Gopal Naik sought help from his close relatives and neighbours in an effort to trace her. He was reluctant to bring the matter to the notice of the police as the teenager's sudden disappearance gave rise to rumours that she may have eloped. Family members feared that if this was true and became widely known they would face social stigma. But when all independent efforts to track her down failed, the police was informed. But all that it could do was to register a case of disappearance.

Two weeks later, Tulasi along with a person named Ramana, a non-Sugali appeared in the thanda. The Gor Panchayat meeting was convened and in that meeting, Tulasi disclosed the secret of her marriage with Ramana. Her father was reluctant to recognize her marriage with a non-Sugali. Gor Panchayat ex-communicated her from the society. Then the police interfered in this affair and gave protection to the couple.

Hence it may be said that the violation of tribal endogamy and breach of other marriage restrictions constitute social offences in the Sugali society. Premarital relations are reported among them which mostly result in marriage. It was also
observed, specially in Pampanuru, that the adolescent Sugali boys and girls get plenty of opportunities to go to the fields either for grazing or for collecting wood for fuel or for labour and to respond to the call of nature. Thus girls and boys come close which leads to pre-marital sexual affairs. Of course, lately such marriages are encouraged as they save considerable expenditure on various ceremonies and rituals. Formerly, the cases regarding pre-marital sex were penalized through ex-communication of the person concerned. If a girl gets pregnant, the seducer is forced to marry her. This is managed by the Naik with threat of a heavy fine or ex-communication as alternative. Sometimes the seducer leaves the thanda.

**Ex-Communication:** The Sugali society regards incest with horror and punishes the offender with ex-communication. A Sugali boy and girl are permitted to marry if the girl conceives as a consequence of pre-marital sex relation with a boy. But if such situation arises between relations of the prohibited degree as mentioned above, the marriage is not permitted. Rather the boy is ex-communicated. A case may be cited in support.

**Case-10:** Shankar, son of Samla bai, a resident of Rathibavi Vanka thanda fell in love with his cousin Lalitha, daughter of Manga bai, of the same thanda. It was in 1985 that they committed sexual inter-course. In due course Lalita got pregnant. The matter came to the notice of the Gor Panchayat. In the meantime, Shankar conveyed his consent to Lalita’s father to marry her. But as the relationship between him and Lalitha was in the prohibited degree, they were not permitted to marry. Shankar approached the Naik of the thanda to seek his
help. But the Naik too did not approve of his marriage with Lalitha. In course of time Lalita delivered a female baby. Shankar was ex-communicated. Lalita’s father was called by the Naik and was asked to get Lalitha married to some other boy. As per the situation of the case, Shankar is staying alone. No body is co-operating with him in anyway. Lalitha is staying, along with her daughter and her parents.

In the second line of social offence comes adultery. It is regarded by the Sugalis as a form of theft, and the adulterer is fined. In adultery, post-marital relation is taken more seriously than pre-marital. The Sugalis allow the adulterer to marry the woman provided the husband grants her divorce. But then the adulterer must pay the fine, including the bride-price.

Case-11: A case of post-marital sex relation was reported from Singampalli thanda. It seems relevant for discussion. Geeta, daughter of Hanuman Naik got married to Bhimla Naik of the same thanda. After about a year of marriage some conflict arose between husband and wife. The cause for conflict was extra-marital relation of Bhimla with his elder brother’s wife, Rani. Geeta returned to her parents five times, and was taken back, by Bhimla, after some confession. But Geeta insisted on divorce as she was no more willing to stay with Bhimla. The date, fixed for divorce, was December 14, 2005. The relatives of either parties also joined the ordeal. The arguments continued for two hours and allegations counter allegations were made. Lastly, the two parties selected five persons, two from Geeta’s side and three from Bhimla’s side. The discussion again continued for about an hour resulting in favour of divorce. The allegation against
Bhimla was proved. He had to pay Rs.1000 as fine. All the utensils given to Geeta in marriage were returned to her.

If a woman deserts her husband and stays with another man, without proper divorce, she is excommunicated as long as she does not have marital approval from the Gor Panchayat.

The preceding discussions have dealt with the customary laws of the Sugali tribe in the context of the socio-cultural matrix of contemporary Sugali society. After a careful analysis of the cases dealt with by the tribal council it can be seen that throughout there appears to be an apparent harmony between the people and the customary laws as perfect instruments for social control; an under-current of gradual erosion of faith in the tribal council and its decreasing authority is strongly felt by the people. This feeling gets strengthened by the approachable offices of the state government and the idea of police protection which gave momentum to the unrest in the people’s mind regarding the integrity of the Naik.

The tribal customary laws are based upon experiences and are altered from time to time with the changed circumstances. Thus a new in a social development or evolution affects the existing tribal customary laws. There are some changes in the customary laws which are mainly due to the changing conditions of the tribal life, caused by the outside influences which sometimes create new legal possibilities in the cases like divorce and remarriage without the payment of the fine. Practically, there is no change in the traditional customary laws, and they still exist in their traditional pattern. The modern legal
code on the other hand acts as a supplement to the traditional jurisprudence. Moreover, it is felt by the people themselves that the modern legal authorities only help in causing delay in giving the final judgement, as against the prompt action taken by the tribal council. The loss of money and delay in the dispensation of justice and the indifference of lawyers led the Sugali to realize the positive aspects of their own customary laws and council chiefs.

It is also found that the Sugalis go to the state law courts for the most serious matters like homicide, and suicide which are of rare occurrence. Certain criminal cases are also taken to the state law courts.

The traditional Gor Panchayat handled both judicial and administrative functions but when the statutory Panchayat was introduced they were separated. The judicial functions are performed by the Gor Panchayat and the administrative functions by the Gram Panchayat. The members of these sections of the Panchayat are elected through adult franchise.
References


2. Ibid., p.2.

3. Ibid., p.66.


