Chapter 7
The Jat Panchayat

Customary law and traditional systems of resolving intra-community disputes were prevalent in rural India much before the arrival of the formal courts. In pre-British India, ‘kings were willing to let villagers govern themselves in day-to-day matters’ (Srinivas 2002: 16). For instance, all the transactions of Angami Nagas, including property and inheritance, were governed by the customary law. N.K. Das informs us:

The mechanism of social control, the rules of conduct and the customary laws among the Zounuo-Kehonuo cover a complex and wide range including the rights and duties of the villagers, marriage laws, rules for the relations between husband and wife, parents and children and between siblings and other kinsfolk, the law of property relating to land tenure, cattle and other animals, and inheritance, and for the variety of legal wrongs against the person (Das 1993: 45).


Dispute-resolving mechanisms, however, are not uniform to all the communities. They differ in terms of issues that are dealt with in the caste council, vesting the authority in an individual or in a council of elders. Some communities do not have a centralised authority; the community council oversees the law and order instead. The Dhurwa community in the Bastar district of Madhya Pradesh lack a centralised authority to regulate their life. Instead they possess what may be referred to as traditional tribal council (locally named panchayat), which exercises social control over the Dhurwa living in certain specified villages (Thusu 1993: 196).

Similarly, the understanding of law and justice can be drawn from the community’s basic orientation. The Khamtis believe that the law is written by the saints (Sarkar 1993: 30). There are
communities whose members are afraid of entering into any kind of big quarrels or fights. Their understanding of dispute is different. For them, a verbal abuse is a form of dispute. They have caste councils to sort out their disputes arising from the verbal abuse. The issues dealt with in their council are of different nature. The Kolams of Yeotmal district of Maharashtra is one such community that views even the reference to beating with footwear in the conversation to be an offence. The issue of using such abusive language is taken to the council. The Kolams, who refrain from fighting, consider marriage by elopement is as serious offence (Ghosh 1993: 209–10).

The caste councils of many nomadic communities of Maharashtra meet regularly at the annual feast of their principal deities. Some of these places are Madhi in Ahmednagar district, and Alandi, Jejuri and Baramati in Pune district (Chavan 1989: 114), and there are several others spread all over Maharashtra. On the occasion of festivity communities bustle with the meeting of relatives and friends from near and far, fixing marriage alliances for their children and completing varied types of transactions. The Tirumal Nandiwalla, a Telugu-speaking community that migrated from Andhra Pradesh, holds its biannual caste council at Wadapuri in Indapur taluka of Pune district in Maharashtra on the occasion of the feast of Ambaji–Limbaji, a folk deity that actually belongs to Komti, another nomadic community (Hayden 1999: 21). Many disputes are resolved during the council meetings.

Bernard Cohn (1965: 82–86) categorises the dispute resolving systems based on customary law into three broad sections: (i) villages with small population with single caste, where caste norms and village norms are almost the same only they need to be articulated; (ii) multi-caste villages with single head; in this category, villagers recognise the authority of most important and powerful individual; and (iii) the multi-caste villages with dominant caste; these are villages with large population dominated by a single caste. The categories devised by Cohn are in the context of village communities of the established society. Our concern in this chapter is with a nomadic community, the Masan Jogis of Shevgaon.
This chapter focuses on the Masan Jogi jat panchayat, the community council that deals with disputes in the community. It traces the changes the institution has undergone and explains the organisation of the institution now, its proceedings and its functions. The jat panchayat is compared with the civil court at the end of the chapter.

**The Jat Panchayat: An Introduction**

During the course of my fieldwork, I attended several sittings of the jat panchayat and observed the dynamics of its proceedings. Later, during the course of conversations and informal discussions, the community members, particularly Lala Shendre, Vyankat Ubde and the present Sarpanch, Prahlad Kadminche supplemented my observations on the jat panchayat. Lala and Vyankat have been active members of the panchayat, while Prahlad has been the Sarpanch for last the fifteen years. All of them spoke from their experiences. What I gathered from my conversation with them follows.

In earlier days, the Masan Jogi community was small in number and was confined to Yeotmal and Nanded districts of Maharashtra. The community chief was called Mukhia. There was only one Mukhia for the whole community. Then most of the Masan Jogi families would be on the move round the year except in the rainy season. They would come together in one place during the rainy season. This was the time to fix marriage alliances, celebrate marriages, complete other transactions and sort out disputes. The community assembled under the headmanship of the Mukhia. He dealt with the issues and sorted out the disputes. This was known as *Nyaya panchayat*, the customary judicial council of the community. There was no fixed membership for the council. Generally, each clan bearing the same surname was represented in the council by its most senior member. However the other members could also attend the council meeting. The membership of the council was not fixed permitting in certain persons only but it remained flexible allowing any member of the community to be present. Most of the proceedings were directed by the Mukhia, the others hardly countered his views. The assembly was held once a
year. That no member of the community could resort to the any other legal system was the unwritten law of community.

The Mukhia was the person known for his highest integrity, wisdom and knowledge. He was held in high esteem by all the community members. He was praised for accurate and unbiased judgment. Members of the community bowed to show their respect whenever they crossed paths with the Mukhia.

The Mukhia also wielded power in the community. Sometimes, the Mukhia would unduly reprimand a community member just to show his authority. He would take to task if anyone retorted. Anything the Mukhia said was the final word for the community members. No one in the community crossed his line for he could make an issue out of any trifle thing and pronounce punishment. The Mukhia was the embodiment of authority for the community. People were afraid of the Mukhia for he could create unnecessary trouble for them. At the same time the community could not do without the Mukhia. So, every one chose to bear with the Mukhia.

Later, the situation underwent change. The community that was once confined to a limited area, spread into several districts of Maharashtra. Many constructed houses and became part of the places where they lived. It was not convenient for everyone to travel long distances to come together every year. The single annual nyaya panchayat assembly could not be held anymore. As a result, the seat of Mukhia, the overall head of the community, gradually disappeared over time and local leadership evolved from every settlement, whether large or small. The leader came to be called as Sarpanch, which in Marathi literally means ‘the head of the five’ who sort out disputes. The old nyaya panchayat came to be known as Jat Panchayat, the customary caste council. In this chapter, we shall use the word panchayat to refer to the jat panchayat. The panchayat is held in each cluster when required and the disputes now are resolved by the Sarpanch of each cluster independently.

In the process, however, certain elements of the old nyaya panchayat persisted, with more emphasis than before, on the unwritten law that no one to take any dispute to the police or to the
civil court; all the disputes and disagreements are to be resolved in the panchayat only. Anyone who approaches the police or the civil court was expelled from the community.

**The Role of the Sarpanch**

From my observations, it is revealed that the Sarpanch of Masan Jogi community has to play two distinct and major roles in the present situation: (i) as a community representative or a leader of the community for the public in general and, (ii) as the community head, within the Masan Jogi community.

As a community representative, the Sarpanch is the leader who represents the community in the wide political and social arena. He acts as the spokesman of the community and deals with various groups, government agencies and political leaders on behalf of the community. I found the community members supporting the Sarpanch in every public endeavour. No one was trying to sabotage his move or tried to compete with him. They all followed his instructions. In fact, I noticed some of the community members directed people to the Sarpanch to obtain from him the views of the community. No one spoke to the people directly or interfered with his role as the community’s public leader. He is respected as the representative of the community by all in the community. It is because of the unity of the community and the support of other itinerant communities Prahlad Kadminche has been elected to the Gram Panchayat of Shevgaon.

Within the community the Sarpanch presides over all the individual and family ceremonies and is present on such occasions as accidents, death, etc. The community values his presence on these occasions. He is part of the process of finalising every marriage proposal and he officiates at the marriage ceremony. At the puberty ceremony, where he cannot be present, his wife represents him. He is there for every funeral and the ceremony after the funeral. He is the one who takes decisions for a member in case of accidents or in emergency situation. Even in financial deals that take place within the community, the Sarpanch is the main arbitrator. Practically, he is part of every transaction that takes place in the community. In all, he sees to the welfare of the community. In my long association with the community, I have not come across any time when
the Sarpanch was not present for a certain occasion. As the ‘father’ of the community, he accompanies every family in its joys and sorrows.

As the head of the jat panchayat, the Sarpanch oversees to its proceedings and delivers the verdict. In order to be effective in carrying out his duty as the head of the panchayat, the Sarpanch has to understand the situation and be objective in his approach. As the head of the panchayat he knows every individual in the community and reserves the right to correct and reprimand anyone in the community if his or her behaviour is not in compliance with the norms, mores and expectations of the community. If there is any breach in conduct, he is the first to receive the report. Accordingly, he warns or cautions the individual. When disputes between individuals or families arise, the Sarpanch gets the complaint first. The procedure then follows till the issue is taken to the panchayat sitting. The authority of the Sarpanch is considered final and abiding.

In the traditional days, the community would choose an appropriate person as its Sarpanch (at that time Mukhia). There were varied procedures followed in selecting the Mukhia. In one procedure, the community would come together to name the person as their Sarpanch without holding election. The criteria for the choice of the person were many. First and foremost, the person must possess leadership qualities. As the leader, he should be able to deal with persons with different temperaments. The second criterion was that the person must be objective in his perspective. This was necessary to sort out issues without bias. And the third criterion was that the person must be honest. His dealings must be clear, without any hidden agenda.

In another procedure, the list of individuals who displayed leadership qualities through their interactions was made. A group of prominent persons selected one of them as the Sarpanch after discussing each candidate. In yet another procedure, the prospective Mukhia was groomed strategically by the outgoing Mukhia with the consent of the community. This procedure was usually adopted by the aging Sarpanch, who would look out for a person with leadership qualities, and that person accompany him for jat panchayat meetings, where the person would observe the proceedings and learn from it. If the aging Sarpanch found the person responding favourably, he would adopt another stage of grooming by discussing matters with him and teaching him how to
handle the issues. After the person has successfully learnt the art of handling the meetings, the aging Sarpanch would allow him to handle the whole jat panchayat proceeding in his presence. If the person was not found suitable at any stage, he would be dropped and another person would be chosen and groomed. This is a long procedure. A successful candidate is finally then installed as the community’s Sarpanch in a small gathering of the community. After the installation, the new Sarpanch begins to conduct panchayat proceedings independently. However, the new Sarpanch consults the aging Sarpanch before any panchayat meeting, of seeking his advice and by way of to respecting the senior Sarpanch.

The informants told me that the office of the Sarpanch was never held hereditarily, neither was there a fixed tenure assigned to it. In case of old age or death of the person, another Sarpanch was chosen. If a person was found to be indulging in unexpected activities or to be biased in his opinions, the community could de-recognise him as the Sarpanch. However, no such incident was reported during the fieldwork.

Prahlad Kadminche was groomed by his aging uncle Shivram Kadminche for several years before he was formally installed as the Sarpanch of the community at Shevgaon. Prahlad, though well versed in conducting the proceedings of the panchayat, always consults his uncle, the former Sarpanch.

**The Ground Rules for Panchayat Assembly**

The panchayat functions on certain ground rules. Customarily, it is presumed that all the members know these ground rules. Those who are young are expected to learn the rules by silently observing the proceedings of the panchayat. Objections are raised when the rules are not followed. For instance, the panchayat of the cluster deals with disputes of the residents of that cluster. The community raises a serious objection if anyone one from outside tries to deal with the dispute without making proper arrangements with the Sarpanch of the cluster. If the complainant and the accused reside in two different places, the accused is summoned to the place of the complainant, where the panchayat deals with the dispute. The Sarpanch of the cluster where the
complainant resides conducts the proceedings of the panchayat and gives the final verdict on the issue. The Sarpanch of the area of the accused may express his views and opinion on the matter. Some of the Sarpanchs are known for their accurate, wise and unbiased judgments. They are invited to panchayat meetings anywhere. However, the local Sarpanch is the one who delivers the final judgment on the dispute. He may take into consideration the advice of the eminent Sarpanchs present in the assembly.

The disputing parties have to provide for tea and snacks time to time, as well as cigarettes to those who smoke and tobacco to those who chew it. The disputing parties also have to provide for food to all those who are present for the panchayat till its session lasts. They also have to pay for the travel expenses and honorarium to those who are invited from other places.

**The Jat Panchayat Organisation**

As has been mentioned, the Sarpanch is the one who takes care of the proceedings and finally delivers the verdict after taking into consideration the views of the elders or other distinguished respectable persons present for the panchayat. Though panchayat is the sovereign institution of the community, its membership is not formally fixed. There is no fixed body of the panchayat constituted by election or by right. All the lineages are expected to be represented in the panchayat. In practice, the relatives, friends and acquaintances of the disputing parties are present for the panchayat. As a flexible body, the composition of the panchayat changes with every dispute. Views of the senior and experienced persons are valued in the panchayat.

There is no prohibition for women being present for the panchayat. I have seen women attending the panchayat; although their number remains smaller compared to that of men. Though less frequently, I have also seen them interacting in the panchayat.

**The Procedure Followed in Handling the Dispute**

Basically, the dispute is a breach of an individual’s right or an infringement of someone’s freedom. It begins as a simple problem at the initial stage and grows as an issue over a period.
The Sarpanch follows it right from its inception and tries to mend the situation at every stage as it progresses. Finally, he deals with it in the panchayat. The dispute is considered over only after the payment of the damages and the fines pronounced in the final verdict within the stipulated period, failing which, may invite more severe punishment.

At the instance when the dispute arises, efforts are made to settle it amicably. The Sarpanch plays an important role in restoring peace among the community members.

The complainant party discusses the issue at stake among themselves. The issue is reported to the Sarpanch for his action. The Sarpanch then waits for an opportunity to meet the accused party. At an appropriate time, the Sarpanch meets the accused party and tries to make them understand the situation. The accused party too narrates its side of the story to the Sarpanch stating its grievances. The matter then is left to the parties concerned to come to terms by themselves. The Sarpanch then remains aloof from both the parties till he hears them.

Either of the parties or both approach the Sarpanch informing him on the status of the matter. If they have resolved the matter by themselves on certain terms and conditions they inform him accordingly. In that case, the Sarpanch makes few comments and gives good advice to the parties and the matter ends there itself. If the issue at stake is not resolved, they ask for his intervention. In due course, the Sarpanch then meets the two parties, and tries to explain them the situation and how it can be rectified. Once again the parties are given an opportunity to come to terms with each other by themselves. If the matter is still not resolved, then it is taken to the panchayat.

The panchayat is the sovereign institution of the Masan Jogi community, under which the settlement of disputes is a serious matter. I have seen people taking keen interest in the panchayat proceedings. Some of them do not even go to their work, but remain present at the panchayat. The reason for their interest in the panchayat was, they said, not the dispute itself, but the way it is dealt with. For a new comer, the panchayat may give the impression of being something casual and informal, but at the core of it certain formalities are followed in great seriousness.

The information about the panchayat sitting is circulated by word of mouth in the community. The time of panchayat sitting is always in the morning. On the day of the panchayat assembly,
people start gathering in front of the temple by 8 O’clock in the morning. Some time is spent in informal chats, jokes and casual conversation before the group settles down for serious business. After everyone takes her/his seat, the panchayat proceeding begins. Picture 7.1 shows a panchayat session in progress. Shri Shamrao Kadminche, the brother of the Sarpanch Prahlad Kadminche, who chaired the session, is seen at the centre. Since there were some chairs, they were used; usually the people sit on the ground.

7.1: A Jat Panchayat session in progress

Source: Fieldwork collection

Sitting arrangement. The panchayat is held on a common property, a spacious ground within the area where the community lives, usually in front of the Rama Mama Temple. The whole panchayat sits in the form of a circle. The disputing parties generally sit on the opposite segments of the circle, facing each other. The Sarpanch and the facilitator sit on the other opposite segments facing each other. The others sit according to their choice, convenience or wherever there is space; they fill the rest of the circle (see Video Clip 7.1).

The Facilitator. Right at the beginning, the Sarpanch informs the assembly about the issue and its context. Then the house is open for discussion or to put forth arguments. There is a
facilitator who responds to everyone who speaks in the panchayat. This is to encourage the speaker and at the same time confirm what is spoken. It also allows the speaker to restructure the expression if one so desires. For instance, if a speaker has narrated saying ‘then so and so shouted at me using the words…’; the facilitator would respond by saying something like this, ‘so and so shouted at you using the words…’. The facilitator responds to practically every statement spoken by the person. This brings clarity to what is said. This takes quite a long time. After the discussion and arguments, the assembly arrives at the point to take action. Several proposals and suggestions emerge from the group as solutions to the issue. Several views on the matter are also put forward by the clan elders bearing the same surnames and distinguished guests. It obviously leads to the next stage of delivering the verdict.

Delivering the verdict. Panchayat continues its sessions till the dispute is finally sorted out. After hearing everyone from both sides, the Sarpanch announces if anyone wants to comment on the situation. The proposed solutions are put forward to the disputing parties. If both the parties agree to the solution everything ends there itself. Usually it does not happen. Either of the parties or both parties have something to say. Then the discussion on the solution goes on for some time. Then the final solution is declared which remains binding on both the parties.

Punishment. The highest form of punishment is excommunication from the community. The expelled person has no more any connection with the community or his family. He or she does not belong to the community. Those who keep contact with or talk to the expelled person are liable to be similarly expelled. The punishment of expulsion is pronounced only when the person commits a murder, or if someone marries a person from other communities, or if someone takes a fellow community person to the police or civil court.

The most common punishment is to impose fine in addition to payment for the damage caused. The total amount goes into lakhs, which has to be paid within a few weeks. Most of the families do not have such large sums of money at hand in terms of savings or investment in gold or property. They invariably borrow the huge amount at exorbitant rates of interest from the moneylenders in the community. The minimum rate of interest I have known is 10 per cent per
month. So, for one lakh rupees, Rs 10,000 has to be paid as interest every month. If the father is not able to pay back the amount in his life time, the son has to repay it. In this way, the generations of the family are ruined. Those who are poor are extremely afraid of getting into any dispute, and they live at the mercy of the others. In addition to paying the damages and the fine, one looses immeasurable prestige in the community.

The money that comes to the panchayat in terms of fine is spent on a common meal for the community. It does not go into any pool of fund for the development of the community nor is it utilised for some common purpose, since Masan Jogis feel that the amount is collected as fine and it is not proper to spend it for anything else. If such amounts are accumulated, the community will start doubting its proper utility. Doubts are considered unhealthy for peaceful community life. It may give rise to strife in the community and lead to chaos. No one from the community wants to get entangled in such a situation. So, everyone feels that it is better that the amount is spent on giving meal to the community.

Kinds of Disputes

The panchayat deals with all kinds of disputes that arise in the community, that includes money transaction, infringement of one’s right, disturbing the peace of a family or any behaviour of an individual or family which is not in conformity with the customs of the community. The disputes of money transactions often get settled before they reach the panchayat. Instead of paying heavy fine and incurring huge expenditure for panchayat sitting, many prefer to settle it amicably among themselves. Sarpanch himself reprimands any individual or family behaviour that is not in conformity with the customs of community. The individual or family has to be ready for serious consequences if the Sarpanch’s advice is not heeded.

The disputes involving man or woman from other communities are directly connected to the prestige and identity of the community. They are invariably referred to the panchayat.

The panchayat jurisdiction extends over the members of Masan Jogi community; it does not have hold over persons of other communities. Masan Jogis don’t have social transaction with
persons not belonging to their community. Because, having no hold over the person, he or she can easily take the dispute to the civil court or to the police station, which is prohibited in the Masan Jogi community. Therefore, Masan Jogis do not deal with anyone from other communities.

Some specimen cases will give an idea of the kind of disputes dealt with and resolved in the jat panchayat.

**Case I: ‘Irresponsible’ wife**

Laxman\(^1\) (25 years of age) and Posha (23 years of age) were married five years back. Posha had three consecutive miscarriages about which Laxman was very unhappy. Laxman was anxious to have a child, so also his parents were eagerly waiting for a grandchild. Posha conceived for the fourth time. With the bad experiences in the past, it was presumed that she would take care of the child. Everything went well till the delivery. At the time of Posha’s labour there was hardly anyone around in the neighbourhood, except few ladies. The ladies tried to help Posha but it was rather difficult situation. The ladies then requested one of the boys who was around at that time to take Posha on a motorbike to the nearest maternity home, which was about 10 km away. Posha and another lady to accompany her were riding pillion on the motorbike. After some distance, Posha’s sari got entangled in the rear wheel of the bike and all of them fell off the bike. Posha suffered serious injuries. They requested another man to take them to the hospital in his vehicle. Looking at the condition, the man obliged and reached all the three to the hospital.

Posha was out of danger, but the child in her womb had died. After getting treatment for the injuries, Posha returned after a month. Since the time of arrival, everyone at home began blaming Posha for losing the child.

Laxman, supported by his parents took the issue to the panchayat asking for separation from Posha. Laxman also appealed to the panchayat that he must get Rs 80,000, the amount he had spent for Posha’s treatment after the accident. It was argued that, since the move of separation has come from Laxman, he need to pay back the expenses of the wedding to Posha’s parents. Laxman agreed on condition that he must be paid all the expenses he incurred on Posha so far. Finally, after taking into consideration all the expenses it was decided that the parents of Posha pay Laxman altogether Rs

\(^1\) All the names are changed to protect the privacy of the persons concerned.
2,80,000. The panchayat imposed equal fine of Rs 30,000 on each of the parties, holding them equally responsible for the problem.

In all, Posh’a’s parents had to pay a total of Rs 3,10,000 and bear half of the cost of the panchayat. Posh’a’s father had no savings or any investment in gold or other assets. Since the amount had to be paid within two weeks, Posh’a’s father borrowed the amount from another Masan Jogi at the rate of 10 to 20 per cent per month interest. Posh’a’s father would end up paying the interest only for whole his life. The loan then will be transferred to her brother. If he too failed to pay the loan, it would be carried forward on to her nephew’s name. In this way, the family would be completely ruined and would reel under poverty for generations.

Case II: ‘Marriage against the wishes of the girl

Radha, an orphan girl was raised by her maternal uncle and aunt in a nearby village. Radha’s uncle had no means to raise money to get her married. Radha’s maternal aunt from another village thought of helping in the situation. She invited Radha to her village thinking of fixing an alliance she had in mind. But while the girl was staying with her aunt, another boy proposed Radha. Everyone was happy with the proposal they never imagined. Radha was silent and it was taken as an approval. The marriage took place and Radha went to live with her husband. From the first day of the marriage, Radha began quarrelling with her husband.

The parents of the boy thought Radha wanted to stay in a separate house. They left the house for Radha and her husband and moved to another village. But the quarrels continued. After a month or so, the boy committed suicide.

The matter was debated in the panchayat. The investigations revealed that the girl had not consented to the marriage and was, in fact, forcefully married to the boy. Soon after the wedding, Radha began telling her husband that she did not like him at all and refused to live with him. If Radha had left her husband’s house, he would be held responsible for not taking care of Radha, his wife. This would be the first accusation against him. Since Radha had not actually consented to the marriage, it would amount to marriage by force, another serious offence against the husband. Both these offences would invite the severest of punishment in terms of fine and the payment for the damage done. The greatest loss would be the loss of prestige in the community. The boy would find it difficult to get another wife. He could very well imagine himself as a totally ruined person in the
community laden with heavy burden of loan, which he would not be able to repay in his life time. He, therefore, chose to end his life.

The consequence of the boy’s suicide was that he saved his parents from humiliation in the community. They would not be accused of marrying Radha to their son by force. Or, they would not have to take the loan of huge amount in order to pay the fine, and spend their life time in returning the loan. On the contrary, because the boy committed suicide, the girl was accused of misbehaviour to the extent of leading her husband to suicide. She was held responsible for the death of the boy. Being the cause of her husband’s death, no other man would now be ready to marry her. Radha is scorned by everyone in the community.

**Case III: Extra-marital affair with a man from another community**

Ramchandra is over fifty with four married daughters and grandchildren. Hira, his wife, developed heart ailment and could not attend to household chores effectively. Ramchandra decided to marry a second time. He married Devki, an 18-year-old girl from a very poor family. Devki has three children from Ramchandra, but was not happy with him as her husband. He was more like father to her than husband.

Devki became friendly with a Muslim boy of her age. The affair could not be hidden. The issue was taken to the panchayat. Everybody objected to the relationship, because no sexual promiscuity is allowed in the Masan Jogi community, and a relationship with a man from another community is prohibited. The identity of the community was at stake. Finally, Devki was told to discontinue the relationship or else she was threatened to be expelled from the community.

Devki knew, if she decided to go with the Muslim man, Ramchandra would appeal to the panchayat asking Devki’s parents to pay back his money. Devki’s parents were not in a condition to pay back the large sum of money. Helpless, Devki decided to continue to stay with Ramchandra whom she never accepted as her husband.

**Functions of Jat Panchayat**

Reflecting over my observations and discussions with members of the Masan Jogi community, there appear to be three main functions of the panchayat: i) to maintain the identity of the
community, by preventing breach in relationship, (ii) to maintain law and order within the community, and (iii) deliver justice to its members by resolving disputes and settling problems of all kinds.

*Maintaining identity of the community.* Membership of the community is strictly by birth. No members are added by way of contracting marriage with an outsider to the community and no one leaves the community by marrying an outsider. Breach in contracting relationship is considered to be a serious offence. Those who do not comply are ostracised, the most severe punishment given in the community. Thus, the community maintains its ethnical standard and cultural purity, thereby its identity as Masan Jogi. Illicit relationship and sexual promiscuity is not tolerated within the community. Therefore, there are no illegitimate children born in the community.

*Maintain law and order in the community.* The jat panchayat resolves quarrels or disputes in the community. Stealing, forgery and other social evils are not accepted. Excessive consumption of alcohol, causing harm or disturbing the peace are punishable. The Sarpanch reserves the right to correct any member of the community. He may caution an individual of his wrongful behaviour. The individual is expected to make necessary amendments in his behaviour, failing which he may invite punishment. I never witnessed any open quarrel or use of obscene language in the community. The jat panchayat controls all such anti-social behaviour and maintains law and order in the community.

*Deliver justice.* The jat panchayat oversees that no one is unjustly treated in the community. Domestic violence, harassment of women or ill treatment to children do not occur in the community. The jat panchayat takes every precaution to scrutinise various aspects of social life and prevents every bias before coming to conclusive decision on any dispute.

**State Judiciary and Jat Panchayat**

The jat panchayat is a sovereign judicial institution of the Masan Jogi community. As no one is permitted to take any dispute to the civil court, the jat panchayat functions as an independent judiciary. The community remains isolated from the state judiciary. This raises some questions:
how can a community remain out of reach of the state judiciary, and how can there be a community completely isolated from the democratic processes?

The Sarpanch and all those present for the panchayat are illiterate people, who do not have legal knowledge of issues dealt by them. In this situation, there is every possibility of developing a narrow understanding of justice and punishment. There can also be possibility of some social evils getting legalised status. The system might propagate wrong notion of justice among people.

From the cases mentioned above, we can understand how Masan Jogis view crime or offence. If a wife runs away, her husband is held responsible and punished for the same. If the husband knows the moves of his wife and commits suicide before she ventures her escape from the house, then wife is blamed. Without scrutinising the act in detail, the panchayat levels charges against one or the other arbitrarily. This is a simplistic understanding of offence and justice.

The disputing parties are burdened with the expenses of all those present for the panchayat. The exorbitant amount imposed as fine leads to destroying the future of the families for generations to come, for they spend their life-time in returning the debt. The debt then has to be paid by the sons. The loss of prestige associated with the inadequately defined offence cause immeasurable humiliation to the individual and family. Destroying the future of one party in order to do justice to the other is not the proper idea of justice. Because of this everyone in the Masan Jogi community lives under tremendous fear.

Incidents of sexual harassment or domestic violence are not heard of in the Masan Jogi community. However, often women are held responsible for situations beyond their control and charges are levelled against them (see Case I above). Due to their poverty, illiteracy and helplessness, young girls are forced to marry over-aged men (see Case II above) live in a lifelong misery. The condition of women appears much better in the community. At the same time, women often stand on loosing grounds in the jat panchayat.

Due to the inadequate understanding and limited legal knowledge of the Srapanch and the panchayat, the issues at stake are not always understood in terms of civil law or human rights. Therefore, the verdict delivered by the panchayat is not in congruence with modern understanding
of law and justice. Once the verdict is delivered, it is considered as final and binding. It becomes extremely difficult for any individual in the community to appeal for reviewing the order or calling for a broader council.

Because of this, a large section of the community is losing faith in the panchayat. They want to be ruled by civil law and not by the panchayat anymore. The group feels that the real issues of illiteracy, superstitions and economic development are not taken up by the panchayat as the leading body of the community. Therefore, the panchayat system prevents the community from joining the mainstream communities and thereby remains away from progress.

On the other hand, there is a strong minority who has strong faith in the traditional panchayat system. They feel that because of the panchayat, the identity of the community is maintained. They fear that, the community will perish without the panchayat.

Summary

Though basically itinerant, the Masan Jogi community has developed some essential and important institutions; the jat panchayat is one of them. Considering its procedure to select the Sarpanch, its organisation and functions as well as its proceedings to deal with the issues, the jat panchayat is a simple and important institution, vital for the existence of the Masan Jogi community. Protecting the identity of the community is the main function of the jat panchayat. Therefore, any issue that puts the identity of the community at stake is dealt with seriously and firmly.

It is considered maligning the public image of the community if any Masan Jogi took recourse to civil court or the local police station. To prevent this, Masan Jogis are prohibited to take nay dispute to the court or to local police station. Breach of this rule causes expulsion of the offending member from the community instantly. It is to protect the image of their community that Masan Jogis do not transact with people from other communities, and avoid taking recourse to court or police station.
The panchayat protects the identity of the community by safeguarding the legitimacy of its progeny. It is done by prohibiting all illicit marriages. This is the reason why marriage alliances are fixed with the approval of the Sarpanch. There is a strict prohibition on inter-community marriages.

The jat panchayat, however, has some drawbacks. With no transactions with other communities and due to illiteracy, Masan Jogis are obviously an isolated community. The Sarpanch in particular and the community in general may not have adequate knowledge of and proper understanding of justice. Therefore, there is every possibility of certain issue of importance being treated as ordinary and ordinary issues being treated as important. For instance, most of the issues are treated in terms of money and social isolation within the community. Due to this families live in debt for generations. Because of this situation some are lead to commit suicide. Pn the jat panchayat, the community is divided: one group views that the jat panchayat has to be abolished completely, while the other insists that it should remain as it is. The progressive group feels that, by abolishing the jat panchayat, the community can join the join stream society. The orthodox group argues that, if the jat panchayat is abolished the community will lose its identity and the community will cease to exist.

The issue at stake here is education. With the rise in educational level in the community, the functioning of the jat panchayat and its dealing with the issues will undergo tremendous change, though it may continue to maintain the identity of the community.