Chapter 6

Private Life of Pandas of Hardwar

The lineage, in the view of the Pandas, was originally a family. As generations succeeded, family members began to live in separate houses and the group became known as a thok. The thok is the name of a family in which relationship has reached to the thirtieth or fortieth generation. When the thok later on was divided into houses, then only those houses that were near began to think of themselves as family. Family goes up to seven, eight or nine generations. All who had gone far in generation belonged to the thok and not to the family. However, the thok originally and really means family.

Pandas conceive of their lineages as divided into households, which they refer to as 'ghar'. These are regarded as independent residential units, which have a social, religious and economic identity. Usually, but not always, these households contain an entire joint family and their property as well as their income is held in common. There is a single hearth (chulha) and the management of the household is by the senior male (karta khandan) and the domestic arrangements by the wife of the eldest male. If the eldest male dies, his widow will remain the titular head of the household if there are no brothers to take over.

The Pandas (particularly those with some legal knowledge) are often puzzled by the term 'joint family' and themselves seek to draw contrasts between a household containing a nuclear family and one which contains several
generations of agnates and their families. However, the words they most naturally use are simply “sanyukta” (together) and “alag, alag” (separate). They say that such and such a family are separate in property and in cooking. These two distinctions—property and food—are basic to their own view of the subdivisions of the lineage. By ‘food’ is meant the total arrangement of the household, which centers on the management and provision of food.

Today, it is generally held that there is a tendency towards units in which husband and wife live alone with their children. This is attributed to various causes: ‘Westernization’, the desire for individual advancement, education, the turning away from religion and scriptural teachings, etc. Many Pandas believe that, formerly, brothers continued to live together formed one large household. They find today that, even within the undivided joint families, there is a tendency towards separate hearths. This is used as part of the argument that traditional society is dying and that community and family are under pressure from the forces of materialism and individualism.

In fact, the residential unit is generally dictated by several factors—the living space, the hereditary property available and the presence of the grandfather. It is usual for brothers to separate when their father dies but by no means inevitable. There are several households where brothers live as a unit with their wives and children despite the death of their father. Where there is property available, a young son and his wife may be given a separate room or rooms or even house and may cook separately. There is a tendency today for separate rooms in the ancestral home to be allotted separate functions as sleeping room, sitting room (baithak), storeroom, etc. This represents a changes from the old system, where the family slept and cooked in one large room.

Those living in the household may include the widow of a brother, a daughter’s husband (if the daughter is the only child), a son adopted from
another family within the lineage or from another lineage altogether. This can be shown by taking the example of the Thekedar lineage, which contains six separate households, of which five lines in one large building. The head of the sixth 'house' has sold his share to another family member and now lives in the home of his wife's mother—

1. In the first household, a Thekedar lives jointly with his elder brother's widow. He is a considerable landowner and has three sons and two daughters. One of his daughters and his elder brother's daughter are married. Thus, the household comprises Vasudev. His sons, daughter and brother's widow. Here, the property-owing unit and the household are identical and all eat together at one hearth.

2. In the second household, three brothers live with another brother's widow and their mother. The three brothers have sons who are still children and two daughters are married. The municipal board as a toll collector employs one brother. The other two are working Pandas but also run a stall, which sells betel and cigarettes. Again, the joint family unit is co-residential and possesses a common hearth.

3. The third household consists of a Panda and his adopted son (see below). The Panda is married, but lives apart from his wife.

4. In the fourth household, a Panda lives with his wife and one of his sons. His eldest son lives with his wife and children as the tenant of another Panda. The second son, a student, has been adopted by the Panda mentioned above—his classificatory chacha, father's younger brother. The third son has just got married and lives with his father. He works as a gumasta (agent).

5. A woman, a widow, lives alone.
6. The head of the household has sold his property and now lives with his mother-in-law in Jwalapur.

The Thekadar lineage does not have the complexity of many lineage and family units. It does, however, illustrate several important points. In a traditionally endogamous society like that of the Pandas, inheritance may come through the wife, if she is the only child of her parents or has no brothers. It may happen, therefore, that a Panda lives in property inherited through the wife, while his sons live in property inherited through coparcener ship. It is not unusual for a husband to be living with his wife's mother, if there is need of him and expectation of inheritance.

It also illustrates the relative frequency of adoption. In this case, adoption was within the lineage but it is not unusual for a boy of another lineage to be adopted. For example, maternal grandfather adopted Anandprakas, a working Panda. His grandfather belonged to the Patuvar lineage while his own paternal lineage was Kevariya. He lives in a house inherited from the Patuvar lineage and, with his sons, has a neighbours the entire Patuvar lineage group. Another example from the same lineage is that of a Patuvar boy, who was adopted by his mother's bua (father's sister). He now lives with his family in a different mohalla from the Patuvar lineage in the house of his nani (maternal grandmother).

Another point illustrated was the relative flexibility of the family group, which can use its property to suit the personality, the style of life and the wealth of its members. Thus, in a house owned jointly by three brothers, only one may actually live there. We can take the example of three brothers who jointly own a house. The eldest lives in Kankhal in a house inherited through his wife. The two younger brothers live in Roorkee one is an electrical engineer in B.H.E.L.,
the other is an advocate practicing in Roorkee. The eldest brother's son lives in the house, which fell to the share of his paternal grandfather.

6.1 PANDA HOUSEHOLD AS A ECONOMIC UNIT

Traditionally, the entire household was entirely supported by the donations of pilgrims and by the income from any property or farms owned. The senior male (i.e., usually the eldest grandfather) wielded authority and was responsible for the division of income, all outgoing expenditure, the management of law cases, etc. The other men, as well as their wives and children, were his dependents although they were equal coparcenars. Where a younger man of greater ability was in practical control, there was still a careful deference to the older man. He, as karta khandan, arranged the marriages of the children of the family and oversaw all life-crisis ritual. The karta khandan (also called prabandhak and mukhiya among local villagers) decided whether to divide the property and whether to file a legal suit. If there was money available, he could spend it on business or property or give it as a loan. He alone was able to take a loan on behalf of the family and, after his death; his sons became liable for his debts. He decorated and furnished the family home and provided food and clothing for all. Even where the cooking arrangements were separate, the manager was still responsible for clothing both households.

Today, this general pattern continues but there is much individual variation on the exact division of income within the family. There are, however, several typical situations. A father living with an unmarried son who works as a Panda, will usually manages the property and take the whole income, allowing the son some money for pocket expenses (rickshaw / tonga charges, tea, etc.). It is customary for the son to retain the daksina, which he is given for the performance of particular rites, while his father receives the main donation. The father who
lives with several sons, who work as Pandas, will also receive the total income. This situation implies that the family possesses many bahis (otherwise it would not be possible for them all to work) and that it is comparatively wealthy. If the sons are married, then the father will try to meet their demands for money and clothes in order to keep the family joint and peaceful. Where the father lives with two sons, one of whom works as a Panda, and the other outside (for example at Bharat Heavy Electricals Limited), then he will usually receive the income from both and accept in return their liabilities. He will give pocket money to each alike, but the son working in the factory is likely to live more expensively and in particular to need more clothes (the Panda boy can wear dhoti and kurta, the factory employee must wear bushe shirt and pants). Despite their uneven requirements, many teachers, professors, ayurvedic and allopathic doctors live within the joint family framework and hand over their earnings to the head of the household.

In general, when a grandchild is born into a joint family in which the son is earning, then the son will retain some of his earnings. However, he will not want the property divided in his father’s lifetime. Where the father dies and the sons remain joint, then the eldest (or sometimes the cleverest) manages the property. If one brother works on behalf of the others as Panda, then he takes one-fifth of the pilgrim income as gumasta and the rest is divided equally. Exceptionally, a Panda who is earning much (e.g. as a factory employee) will forego his share and give it to his poorer Panda brothers, reserving only the right to resume it where necessary.

As we have seen, tensions within the family sometimes cause a son and his wife to maintain a separate hearth. This may also happen if a member of the household is not ‘obedient’ (and particularly if his behaviour gives extra
expense to the family or lineage). If all admonitions and threats fail, the manager may give him a share of the annual income. In this case, he will live separately form the main household and his standard of living will fall. The tolerance level in the joint family is a matter of personality as much as economics. For example, father/son disputes may develop if a son is unable or unwilling to work or if more is large family and another a small, the former may seem to be "eating" the whole income. Tuition, illness, marriage, etc. are all matters of expense and may lead to bitterness and rivalry.

We now give two examples of how joint families divide their income, if they from more than one household and how individual family find solutions to the distribution of earnings. The first example is that of the Jagta lineage which forms one undivided family.

In this case, all the property of the family is yet individual. Panna Lal has two sons and Alok Chand has three sons. Their families cook separately and their sources of income are separate. Rameshwar works in the Railways as a telegraph clerk and Somdatt is a vaidya in Bijnor. Amarnath is a vaidya, Kedar Nath a lecturer in the Degree College. Visnu Datt does the work of the family jagman vrti and is gumasta to the Jha family. Sadi Ram works as gumasta to Pandit Prem Chand. Pnnalal is now retired but previously worked as gumasta to the Jha family. Alok Chand controls and manages all the family properties and receives all the income from the family jagman vrti. He divides the income from both property and bahis in this way: one-half goes to Sadi Ram, who is the owner of a full half share, one quarter goes to Panna Lal and one quarter to himself. Since their sons are earning independently Panna Lal and Alok Chand retain their shares. Because Vishnu Datt works on behalf of his family, he takes one-fifth from all the earnings and gives the rest to his father.
The second example is of the Patuvar households and is slightly more complicated, since some of the property is under dispute.

Kapil Datt is Panda of the Bajigar and the Rathaur. The Bajigar previously wandered about like gypsies entertaining. They live in Haryana and Punjab and, before Partition, in Sindh and Pakistan. They claim to be Ksatriy and their claim is supported by their Panda. The Rathaur live in Punjab and Uttar Pradesh and are Kshatriya who work as farmers. Kapil Datt lives with his mother and retains his earnings but gives her all she requires.

Hari Prasad is known as a political sufferer in the Congress movements and as a wealthy property owner. He inherited property from his father, from his wife's mother and from his father's brother's first wife who had no children and who therefore adopted him. He thereby inherited her father's property. He also inherited property from a widow related to his wife. His jajmans come from Punjab (district Hoshiarpur) and from Himachal Pradesh (Kangra). Hari prasad lives in Kankhal with three sons. His eldest son is married and lives in Jwalapur with his wife's family. The second son helps his father with the jajman vrti and the other two sons are students. Their father gives them money, as they need it.

Their maternal uncle adopted Dharm Prakash and Satya Prakash and they now live in the house of their maternal grandfather. The elder is an engineer employed at Bharat Heavy Electricals and his brother is an advocate practicing in the Roorkee courts. Their maternal uncle married them outside the Panda community.

All the property of Ram Pratap is under dispute and is, yet, undivided. A court case is proceeding and arbitration attempts. The situation is complicated by the fact that the eldest son is by his first wife and the others by his second.
Dharmanand is a radio mechanic and lives with his wife's mother in Jwalapur, since she has only three daughters. Ravi Datt works as a Panda and particularly as Panda of the Bavariya, who were formerly thieves and dacoits and are now farmers. They live throughout Haryana, Sindh and Pakistan. Ravi Datt lives in his paternal house at Jwalapur. Buddhi Vallabh is a government employee, resident in Chandigarh, and was recently married within the Panda samaj. The property of the three brothers is still joint and, while their mother lives, will remain so. The income from the jajman vrti and rented property is divided into four shares—one of the widowed and one of each of the brothers. Ravi Datt takes a one-fifth share of the entire jajmani income, as be works as gumasta for the others.

Ram Prasad Shastri owns his property jointly with his sons, but the cooking arrangements are separate. The two sons are both Pandas dealing mainly with Punjabi jajmans. They divide their income equally among themselves.

6.2 PANDA HOUSEHOLD AS A RITUAL UNIT

Although strong ritual ties bind all close kin, the household is a ritual unit. In all Panda homes, there is a place for statues of the gods and their pictures. Here, the women do puja daily and, on festival occasions, the men perform special pujas, bathing and feeding the household gods, offering incense, flowers, milk, etc. In the home, the women offer food first to the household gods and then only eat. The eldest male performs the sraddha rites for his dead father and all the ancestors, while the crises of death and birth affect all members of the household. The purity of the whole community rests largely on the family conduct of eating, sexual intercourse, ritual observance, etc. Today, certain aspects of the purity rules are losing importance but each family maintains certain standards of ritual purity.
6.3 PANDA HOUSEHOLD AS A SOCIAL UNIT

The core of the household is the immediate family—parents and children. Elders of the lineage and of the dhara, affines and even neighbours can exert much pressure upon the head of a household, but he still has some independent authority. The Panda's main interest lies within his close family. He is concerned for its status in terms of material property, good marriages, and good name. Any scandal within the family jeopardizes its status as a whole and threatens the marriage opportunities of its unmarried members—the girls particularly.

The main events of life are considered the life cycle celebrations within the family. Not only do they mark decisive points in the individual's life, but they frequently entail a complex shift of attitude and role within the family structure. They are also times of great expenditure for the family, when the head of the household is preoccupied continually by what he owes both kin and affines in terms of services, presents, and what they owe him. Much of the interest of the women of a household is centered on the exchange of goods, which accompany all important rites (jewelry, clothes, household items, etc.).

Moreover, it is within the household that the child experiences the hierarchy of authority and respect that prepares him for the hierarchy of intra-caste relations. He or she experiences, for example, the mother's freedom in the presence of the husband's younger brother, her withdrawal in the presence of his elder brother and her happiness in her own natal home.

6.4 PANDA HOUSEHOLD AS A MORAL UNIT

A joint family living as one household is not only a reproductive unit and a socialising agency. It is also a moral unit, since family members are expected to be loyal and obedient and to respect the proper relations between father
and son, brother and brother, etc. Even when a brother moves away, the strong sense of loyalty remains and he will be expected to use his influence to forward the careers of family members and to contribute towards the marriages and ceremonial functions that take place. They will maintain a home for him and correctly apportion his share of the family income.

Relations between members of the family are ordered by respect for seniority of generation; relative age and sex. Family roles are frequently modeled on religious examples (Ram, Bharat, Sita, etc.) and, even when hostilities break out, they must be quelled when a demonstration of family solidarity is called for (in illness, in a marriage, in a law suit).

Certain relationships are thought to be always 'sweet' within the Panda family (e.g. brother-sister, nephew-mother's brother). Those, which contain possibilities of rivalry or dispute over inheritance, are potentially less so. For example, two brothers had a history of resentment over a partition dispute and the growing success of the elder. Eventually, the animosity grew so great that they never spoke to each other and the jajmans of each were told to sit to one side of an imaginary line that divided the small room that they shared in Haridwar. Neither could easily give up the room because their jajmans had for years made their way there. Disobedience to elders is also a cause of tension, whether of son towards his father or younger brother to elder brother. In one case, for example, a son took a member of his own lineage group as his wife and sent back his first wife to her home. The father then maintained a silence towards him and, in questionnaire responses, made no mention of his existence.

Despite these quarrels and the split within the family and lineage, which they cause, a man is forced to try and retain as much kin support as possible and to enlarge the area of his influence. His relations, both agnatic and affinal,
are his principal strength and his insurance against economic disaster. A man without close and supportive relatives feels isolated and burdened by his responsibilities. He wonders who will help him if he becomes too ill to work, who will help him arrange his daughter's marriages and who will protect his widow.

Thus, most Pandas observe a strict etiquette in their behaviour within the family and preserve a formal deference to elders. The head of the household, who wishes to retain the support of his kin, will have to spend money on them—invite them to feasts, give generously in the marriages of sisters’ sons, etc. Although his responsibilities and obligations are many, his investments in his kin will be reciprocated with loyalty, and often goods and money.

6.5 INHERITANCE AND SETTLEMENT OF DISPUTES

Ideals of solidarity and love are at their strongest when applied to the family. The pressures towards unity are very great and, in particular, the head of the family and his wife will try to keep all their descendants together. Brothers (a term which includes cousins) should, if anything, prefer their siblings' children to their own. They should 'respect' older brother and should care for and protect those younger. Nevertheless, as they grow older (and particularly when they marry), the possibility of economic rivalry increases. The comforts, money, clothes or jewelry given to one may seem unequal to another. Such jealousy is accentuated during and after the division of property. Tensions within the family are frequently and conveniently attributed to the quarrels of women, as the wives come from different lineages and are thought to be ambitious for their own particular family. For a man to appear competitive or dissatisfied with his agnates is less acceptable.

Panda families are traditionally governed by Mitaksara law, but they will increasingly be affected by laws passed in the British and modern period. Within
the community, the laws relating to the inheritance of women have, in general, been ignored but it is probable that they will eventually weaken the importance of the patriline. To date, the lineal principle remains strong and therefore disputes largely concern agnates supported by affines.

In general, property within the community is divided after the death of the father and, frequently, only after the death of his widow. Occasionally, the father decides to divide the property himself after consulting his sons and thus avoid all the bickering that will follow his death. In many cases, the division is complicated and may include not only the ancestral home and pilgrim registers but also any new property acquired, shops, landed property, rented rooms in Hardwar, lodging house of dharmashals, iron safes, household materials, jewelry, cows, scooters, bicycles, etc. Where disputes arise, each shareholder will select arbitrators from among his relatives and close friends. For example, a brother will usually bring in his wife's brother or father, who will be sure to support him vigorously. After the division, several new small families are formed which, in their turn, grow through marriage alliances and the birth of children. In this way, there is a cycle of growth and separation.

The customary methods of inheritance are outlined very clearly in a letter dated samvat 1965 Jyesth (1908), sent by Sardar Parmanand on behalf of all Jwalapur Pandas, in reply to questions put by the Kankhal Pandas. They had stated that litigation had arisen and the money earned by religion had been dissipated: "If this continues, every house will be burnt and our enemies benefited." They appealed that rules should be so framed that quarrels did not break out and money be spent uselessly. If can be seen that the rules went even further than the Mitaksara rules in their agnatic bias. The Mitaksara system compromises strict patrilineal principles by allowing a daughter or a daughter's
son to inherit in preference to collateral. (Karve, 1965 and Parry, 1971). They state that—

1. In the tirtha purohit community of Kankhal and Jwalapur, there is an old tradition which continues to this day that the daughter and son-in-law and the son of the daughter are not entitled to inherit. If there is no direct heir within a house, property goes to the nearest member of the lineage.

2. If there is no male member in the whole of the lineage, then the daughter and son-in-law and their son become owners of the property. When they are settled in ownership, then they must follow what is traditionally prescribed so that the door of the house may remain open forever.

3. If there is no male member in the lineage and a man has no daughter, nor grandson, nor son-in-law alive, then he should adopt a boy from another lineage who is of good conduct.

4. If there is a division in the lineage and a man has no children, he should not register or transfer his property to a woman. If a brother has no sons, he should not give his property to his wife but adopt his brother’s son. In all cases where brothers separate and are childless, they must assign their property to their brother’s sons.

5. A brother must give his son to a brother who is childless so that the doors of his house may remain open forever.

6. It was provided above that a man whose property is divided and who is childless should not transfer his property to his wife. Should be remain adamant or should his brother hesitate to give him his son, then the right of decision is given to the panchayat of Brahmans.

The same memorandum suggests rules applicable to widows—

1. Family members are duty-bound to support a widow who spends her life, honestly and lives a collective life with family members.
2. If the family does not support a widow so that she may live honourably in the house, she should complain to the panchayat. It is then the responsibility of the panchayat to arrange for her food and clothes whatever the income of the house.

3. If a widow is sole owner of the property i.e. property could be willed to her by her husband in his lifetime and she spoils it or hands it over to undesirable persons, then the heirs should protect it. They should, however, support her so that she may visit religious places of pilgrimage (dharmik yatra) and not allow her to keep men of bad character with her.

4. If the widow spoils the property and goes out of the house and the door of the house remains open and she becomes shameless and destroys the house, then, according to the rules of the panchayat she must be replaced and the rest of the family should administer the property.

5. If family heirs unnecessarily create trouble for the widow or harm her and do not give her a proper share, they should be punished and dismissed from the panchayat and community.

From this, we can see that the consensus was for keeping property within the agnatic group although individuals wished their wives to have the use of the property during their lifetime. At that time, resort was sometimes made to a second marriage if the first wife was barren. When all religious means of producing sons had failed, it was (and is) usual to adopt a son.

6.6 ADOPTION AMONG PANDAS

Generally, in the Panda community, a man thinks of adoption when he was no male heir. If he has a daughter, then he will often want to adopt her sons. If he has no children, then he will probably adopt his real brother's or real sister's
male child. If he has no real daughter, brother or sister and his wife agrees, he may adopt her sister or even brother’s child. If they are not ready to give a son, then he can take the son of any poor Brahman. Sometimes, it is difficult for him to know which boy to adopt. If he adopts one brother’s son, then another may be angry. If he adopts his sister’s son, then his brother may feel abused.

There are several reasons why an heir is important. The childless Panda not only wants a son to perform religious duties for him after death (although these may be performed by a brother or daughter’s son), but he may also want care in old age and help in managing his property and jajman vrti. Sometimes also, the women are lonely and want a bahu. Sometimes, relatives try to insist so that their own son may inherit. It is usual for Pandas who have no children at all to be ready to adopt. Those with daughters occasionally are. Pandas seldom adopt a girl since no advantage is gained from so doing.

In adoption, there are several aspects—the legal, the religious and the social. Legally, an adoption deed is written, executed and properly registered. Besides this, the Pandas perform puja and there is a ceremony in the presence of relatives, friends and neighbours. The approval of the dhara panchayat is sought and a feast given to dhara members it is granted. By Mitaksara law, a male can adopt, and his widow also if her husband gave her authority to adopt a son in his name. In that event, the son becomes, from the date of his adoption, a member of the family of his adopted parents and a coparcener.

Under the new act, if a husband dies leaving a widow, she can adopt a son to herself and that adoption does not affect the property vested in her. Among the community, there are a few cases where a widow (generally elderly) has affection for some outsider or local Brahman and wishes to adopt him. There is an example of a gumasta being adopted and becoming thereby the owner of
some record books. There are no instances of Pandas adopting boys out of caste but there are many stories circulating which claim that a Panda son is in reality the child of a different caste smuggled into the birth room.

6.7 POSITION OF WOMEN IN PANDA COMMUNITY

Women are not coparceners but inherit under the Hindu Succession Act of 1956 which, in several respects, leaves the coparcenary system untouched. Section 8 defines the heirs of those who die intestate. Previously, ancestral property devolved only on coparceners and, before 1937, women had only the right to maintenance. The Hindu Women's Right to Property Act gave to the widow the right to succeed in her husband's share in the joint family and the right to affect a partition. Under that law, this had effect only for her lifetime. During her life, she possessed limited rights of transfer, the obligation to pay off the debts of the deceased and certain religious duties. The 1956 Act states that male and female heirs inherit a dead man's estate in equal shares—the mother, wife, sons, daughters, son's sons, sons' sons' sons, daughter's sons. The father's share is deemed that which was due to him had partition taken place before his death. Thus, if the father had a quarter share in property, then that share would devolve equally upon his male and female heirs. All his heirs inherit that part of his money or property that was self-acquired.

The new legislation means that property can now go out of the lineage group or family. Until very recently, women seldom claimed property legally theirs. No there are one or two examples. One case we shall look at concerns the daughter of a Panda who filed a suit for a half share against her "cousin-brother". She was able to do so because of the laws whereby a daughter or widow can inherit. In general, however, the Pandas still believe strongly that the dowry given with a bride (which includes bhat for example) takes the place of inheritance.
Kanyadan is considered the greatest of gifts and donations. Thus, Panda women generally do not claim although they have the legal right. If they do so, they may antagonize their brothers who will otherwise help them in the marriage of their daughters and granddaughters.

However, the new legislation has had the effect of giving widows and only daughter's greater control of property and it has helped the general status of women by giving them a potential legal weapon. The fact that the legal machinery exists, and that affines or a widow's natal lineage might be tempted to use it for their own benefit, affects the treatment of women.

Previously, inheritance was often through a wife's parents (if she was the only child) or even through the mother's parents. Quite frequently, a maternal grandparent adopted a grandson to continue his or her own lineage. Thus, although inheritance was mainly within the natal lineage it came via affinal relatives too. Within the community, the son-in-law who lives in the home of his wife's parents symbolizes this. It is through the custom of endogamy and devices such as adoption, that the links between lineages are multiplied and property kept within the community.

6.8 LITIGATION AMONG PANDAS

The Pandas regard themselves as litigious, and lawyers belonging to the community have formed an informal association to try to solve disputes before they reach the courts. The process of law is not only lengthy (many cases have dragged on for years) but frequently inefficient and always expensive. Moreover, since the law and custom are often at variance, the outcome is uncertain and itself open to doubt. Pandas consider that success depends as much on influence, money, and size of support as the intrinsic merit of their
case. For all these reasons, the traditional use of arbitrators or mediators from the community continues. In many cases, relatives are expected to support a family member regardless of the justice of their case and this is, in part, because they will share in the good fortune if it goes their way. A man whose relatives are not ardent in his cause will feel isolated and unprotected and he will not be able to pursue the case vigorously through lack of time, money or energy. It is the relatives who stand to gain who will champion a disputant.

We now look at certain examples of litigation within the community and see how disputes come about. From them we can see the problems that arise where there is no male issue and where there are male heirs not in the direct line of descent. The new legislation confuses the principles of male coparcener ship so that, for example, it is disputed whether a daughter or brother or brother's son should inherit. As we have seen, traditionally women within the community do not inherit property from their paternal lineage and, after marriage, are regarded as belonging to a different lineage. This practice is reinforced by the nature of jajman vrti. Jajmans prefer to deal with a male family member rather than a gumasta and women cannot themselves carry on the family business. Thus, with the help of relatives and supporters and by paying out money, a father is younger brother or "cousin-brother" will keep the record books and fight the case. Even where there is no alternative claimant, the daughter will have difficulty for outsiders to learn the trade. If her husband is in business or service, he will have to give it up to become a working Panda, employ a gumasta, or contract the bahis to another Panda. In all cases, a paternal uncle of "cousin-brother" is in a good position to take all the record books from the safe and keep them underground. The daughter or widow cannot go to Hardwar and cannot meet pilgrims and, therefore, cannot easily check.
1. There were three brothers of whom the youngest died. His widow received nothing from the joint family for herself or her daughter. with the encouragement of her daughter’s husband and his parents, she filed a suit for the partition of the property. The brothers kept the bahis underground while the suit continued and, because they know their pilgrims by fact and have good memories, were able to keep working. The widow cannot work and neither she nor her son-in-law knows anything about her husband’s jajman vri.

2. About eleven years ago, a property dispute began among the heirs of three real brothers. The eldest brother had one son and two daughters. The second one left a widow. The youngest was manager of the whole property. During his lifetime, he was one of the wealthiest members of the community and acquired much property and money through his own initiative and efforts.

The eldest brother and his wife died so that, from childhood, their son lived with the youngest brother and was fed and married by him. The widow of the second brother also lived with them in a separate room in the same house. Before the marriage of the eldest brother’s son, the family was joint. After the marriage, there were separate hearths but the property remained joint. After some time, the wife of the youngest brother died and thereby her daughter lost her greatest ally. The youngest brother ate with his eldest brother’s son while his daughter and her husband lived separately.

Suddenly, the youngest brother died. The relatives of the daughter’s husband had little influence and the many relatives of the eldest brother’s son were able to control the situation. The eldest brother’s son did kriya
karma rather than the daughter and his relatives locked the doors of the property and removed all jewelry and moveable.

In the law suit brought by the daughter's party to decide the legal heir, the eldest brother's son claimed that she was not his uncle's real daughter. When her husband showed that the records of the Panda of Bithur (near Kanpur) proved that she was, the court accepted this evidence and ruled that she was the legal heir of her father. It allowed her to file a partition suit for the whole property against her "cousin-brother". This decision was challenged in the High Court of Allahabad. The Court, having kept the case pending for several years, finally accepted the decision of the Lower Court. In time, the daughter's husband filed a suit for partition in the Civil Court, Saharanpur, and asked the Court to sequester all property until the matter was finally decided. The Court Commissioner was sent to gain possession of the bahis and property, but some time afterwards the eldest brother's son was reinstated in possession and ordered to render accounts of income every quarter.

Now a few minor cases pending in the youngest brother's lifetime have been decided in favour of his daughter but the original case of partition is still in the courts. The opposing party has filed against the decision and the High Court has granted a stay. The widow of the eldest brother's son is receiving income from the bahis while her relatives attempt to delay justice.

A certain Panda had one son by his first wife. This son was given in adoption to his younger brother's wife who was about to die and who was the sole heiress of all her parents' property. The same son inherited property through his wife and through his mami (mother's brother's wife).
Meanwhile, his father married again and from his second wife had two sons and two daughters. These sons are the heirs of their mamas who have no direct descendants. They live with them and were educated and married by them. The father died a few years ago and now his property is disputed between the half-brothers. The two younger brothers consider that they have rights in the property got through the eldest brother’s adoption and even in the jewelry obtained from his wife’s father. As a retort, he has also demanded a share in their mamas’ property.

A certain Panda had two sons by his first wife and three by the second. All his property is now in the possession of the second wife, his widow, and she gets the full income. The sons of the first wife have suffered badly and have difficulty in repairing their houses and marrying their daughters. This is despite the fact that their father was a great property owner, possessing a large building in Hardwar, a house in Jwalapur and a farm, land and house in Raiwala. Most Pandas believe that the property should be equally divided between all the sons and that the widow should retain only her proper share, but they are wary of antagonizing this family and meanwhile the case goes on.

Two Pandas were classificatory brothers. We will call one Hariram and the other Motiram. Hariram wished to fix a pipe in the compound of a building. The building, but not the compound, had been officially divided among family members. However, some years before, the father of Motiram had put the compound in his own name in the Government bandobast (official inquiry). Based on this document, Motiram objected to the laying of the pipe. Hariram’s family taunted Motiram and his family for days, and one day a fight with sticks broke out. Both sides reported to
the police with medical certificates. Hariram filed a criminal case against Motiram and his party, but the latter persuaded the police to drop this charge and to prefer one against Hariram and his brothers. This case has been going on in the courts for two years. Arbitrators from the community were also appointed but they cannot come to a decision either. One arbitrator appointed was the chairperson of the municipal board at the time—Hariram was his gomasta and Motiram his nearest relative.

As in North India generally, marriage is the most important sanskar (sacrament) among the Panda community. It represents the donation of a daughter (kanyadan) and sets off an intricate cycle of presentation, which is mainly from the wife-givers to the wife-receivers. This cycle continues throughout the life of the girl and of her children and even children’s’ children. Affinity once established gives rise to enduring ties.

The most important duty for a Panda householder is to marry his daughters well. He has to search for prestigious wife-takers to elevate or maintain the status of the family. This search, according to most Pandas, is becoming increasingly difficult and expensive. The parents of a high status boy expect a large dowry and Pandas often talk of the auction or sale of boys as one of the worst abuses in the community. The acquisition of prestigious wife-receivers is a source of pride to the wife-givers and puts them in turn in a good bargaining position when they wish to marry their own sons. Within the community, a marriage is an important index of status. It is talked about and remembered. It may be the occasion for feasts given not only to lineage members and neighbours but to an entire dhara and many friends.

The ideal marriage is between two parties of equal status and of known antecedents. Boy and girl should be astrologically compatible (their
janmapatrikas should be compared by a learned pandit). The girl should be physically beautiful (not dark), of an obedient and affectionate disposition and, if possible, educated. The boy should be capable of earning his living and reasonably handsome. In practice, both families aim as high as possible, but the pressure is on the girl’s side, because her family is in a structurally inferior position. They have to take the more active part and give assurances about the size of the dowry they will give and the generosity of their marriage arrangements. In the words of the Pandas, the girl’s family has to bow before the boy’s side (larkevale).

6.9 ENDOGAMY AMONG PANDAS

The Pandas generally say that they marry within the community and never outside the Gaur Brahman boundaries. In the previous generation, marriage was usually made between lineages within the community, with certain exceptions. Where there was some difficulty in finding a suitable partner, the family searched outside in the villages or occasionally in nearby towns (a second or third wife often came from outside). Impure lineages frequently married into villages outside, since the number of families into which they could marry within the community was small. Marriages outside generally remained within the same sub-caste, although there were scandals when a Panda contracted a ‘marriage’ or liaison with a girl of a different caste.

The preferred marriage, however, was always with a Panda family. The reasons for this are thought to be obvious by most Pandas. One Panda listed them as follows—

1. The family knows the status and character of the other family since their fathers lived in Hardwar.
2. Pandas do not want outsiders to encroach on their ownership of jajmani vrti books. If a girl is married outside and, if she becomes owner of a share because of succession, then her husband could claim the family bahis in partition. (Among the Panda community, even if a girl inherits a share in her paternal property, she will surrender it if there are other coparceners).

3. Generally, Pandas try to marry their sons to a girl who is brother less or who is the only child of her father. Their sons will then become owners of their affines' jajmani vrti books.

4. The Pandas are Gaur, Brahmans and strictly vegetarian. They are afraid of marrying outside because it is difficult to know exactly whether an outside family has a pure Gaur Brahman inheritance and is vegetarian.

5. The Pandas increase their strength by developing relationships within the community.

   A Panda who has a family and no 'helpers' (i.e., brothers, sons, capable of giving him practical and moral support) particularly needs to marry his daughters within the samaj. He will then hope to find help always available—for example, when his wife is ill, when many of his jajmans arrive or when he is involved in some dispute or quarrel. In a community such as the Panda samaj, relatives are essential and can prevent a sudden slump to poverty. The number of supporters and these, rather than hard work, frequently determine influence and prestige are regarded as necessary.

   It should be noted that, although in the past sons were occasionally married outside the community, daughters very rarely were. There are several reasons for this. The hypergamous tendency within the community demands that daughters be married 'up'. Traditionally, the ritual status of the Pandas as
a priestly community was his vis-à-vis village Brahmans. Pandas did not marry into the families of Brahman agents (gumasta) who came from the villages, nor did they generally marry into the families of Brahman jajmans. Previously, most devout Brahmans regarded the daughters of the Pandas as sisters, out or respect, and would not have contemplated accepting them in marriage. Such an attitude is now less prevalent and the Pandas claim that certain jajman find the possibility very attractive. They say that some jajmans want to be linked with them in marriage because they could then make a pilgrimage to Hardwar more frequently and bathe in the Ganges and others because they consider the Panda families to be extremely pious and orthodox.

Today, Pandas are often unwilling to marry their daughters into village families. While there is much nostalgia for village simplicity and faith, the Pandas generally consider villagers more backward and their customs more rigid. Pandas prefer for their daughters a more sophisticated and comfortable lifestyle. Increasingly, therefore, there is a search for “professional” type boys from the towns.

Moreover, Pandas usually want to have their girls near them. There is a saying that the Panda girls are fish of the Ganges and should not be thrown far: “Gangaji Ki machli Gangaji memhi rahegi”. Unless the marriage is very good, the Pandas will not send their daughters to the unknown. The bond between married daughters and their natal family usually remains very strong. Moreover, phupha (father’s sister’s husband) all have important ceremonial functions, in certain contexts, they are merged and treated as interchangeable. They can be great assistance if they live in Jwalapur or Kankhal. They not only validate the status of the wife-givers by their presence but they can act as supporters and well-wishers.
Another aspect is that the marriage out of sons posed little threat to the coparcenary system, whereas the marriage out of women did. Many Pandas would prefer to see a collateral male heir within the community inherit ancestral property and bahis rather than a lineal descendant outside the community (see previous chapter).

Thus, it is a common maxim that the community generally inter-marriages. Pandas agreed that, in their grandfather’s time, no marriages were made outside and that marriages took place “from Jwalapur to Kankhal”. The question arose once in the offices of Ganga Sabha as to whether families had a tradition of marrying into particular lineages or sections, thus perpetuating affinal ties. Such repetition would lend further substance to Dumont’s hypothesis that, even in the absence of a positive marriage rule, elements of the alliance patterns exist also in Northern India and that here, as in the South, affinity has a diachronic dimension. In fact, there was conflict of opinion, but the most influential Panda present appeared to reject the notion. It is clear, nevertheless, that marriages into the same lineages are sometimes repeated. Although a Panda cannot repeat the marriage of his lineal ascendants (e.g. father and father’s father), there is nothing to prevent him from repeating the marriages of collaterals. Thus, structurally equivalent marriages are possible by renewing the alliance contracted by the brother, fathers’ brother, father’s father’s brother, etc., and then in the third generation the alliance can be repeated directly by replicating the marriage of father’s fathers’ father. By contracting such alliances, patterns of cumulative alliance between local lineages could theoretically be build up. In fact, the community provided many instances of the repetition of marriage where its direction and hypergamous advantage was maintained. One lineage often took several wives from another. Even then, however, it remains true that lasting
asymmetrical relations were not built up at group level. This is because the community is relatively small and permeated by kin networks so intricate and close-knit that superiority of relation can only be maintained between two lineages as the result of a particular marriage (although the effect may last several generations).

It frequently happens that the Pandas marry in very tight circles although generally into different families. Lineage A gives a girl to lineage B and is therefore 'superior', Lineage B gives a girl to lineage C and is therefore 'superior'. However, lineage C marries its girls to lineage A and is therefore 'superior'. No clear hierarchy emerges since lineage A is superior to some of the lineages to which lineage B is inferior and vice versa.

At present, there is a growing practice of marrying boys outside the community, although the idea of marriage within the community remains very strong and the incidence of marriage outside is usually grossly underestimated. The rule against marrying outside the sub-caste is still firmer and Pandas do not openly admit that such marriages have taken place.

Majority of the Pandas had married inside the community and a few had married outside the community but within the sub-caste. Eight were said to have married outside the sub-caste but those most closely involved did not admit this. The actual man was often happy to admit the fact if he was alone or no elder was present. The total figure for marriages out of the community is inflated by the habitual practice of the impure lineages.

Previously, families who could not find suitable girls within the community married their boys into villages. Today, it is increasingly common for educated boys to be married outside—sometimes because they can get a greater dowry and sometimes because they wish to have a wife who is of a "different mentality"
than most Panda girls (i.e., more secular and progressive). Thus, they are now married into professional families in Delhi, Lucknow, Dehradun, etc.

In general, high status families outside will not marry educated girls to the sons of practicing Pandas. They may consider the possibility, however, if the boy is himself highly educated and does not practice his traditional profession. Exceptionally, they are prepared to give their daughter to a practicing Panda family if it is very rich or of high status and there is only one heir.

Marriage out of the sub-caste shows two patterns. The first pattern shows a scandalous involvement that became stable and perhaps followed a first marriage. Here, we can instance the case of a Panda who had married a Khatri girl from Kanpur (her family had migrated there from Rajasthan) and that of another who had married a girl from Amritsar. The second pattern was of marriage between professional Panda boys of good lineages and high status outside families. In one lineage, four boys had been married outside—into a Sarasvat family of Dehradun, a Kanyakubja family in Hardwar, a Kasimir Pandit family from Bareilly and a Misra family from Lucknow. The rest of the community with a mixture of pride and resentment regards the acquisition of such affines.

It is also sometimes particularly difficult for a girl from a secular family to adjust to the religious atmosphere of Hardwar and, in particular, to the orthodox way of life in Kankhal and Jwalapur. The Pandas do not marry within their own lineage and gotra and avoid certain others. Marriage within these limits is as scandalous as ignoring the rules of endogamy. To the Pandas, it has the flavour of incest.

6.10 GOTRAS AMONG PANDAS

Within the Panda samaj, there are about 19 gotras, of which Bhardwaj (21 lineages), Vasisth (16), Gautam (14), Kausik (14), Vatsyayan (12), Atri (6), Sandilya (4), Parasar (3), and Kapil Katyani (2) are the most common. The
others have only one representative lineage. The families of each lineage have, of course, the same gotra. Thus, the nine families of the Alhar lineage have the same gotra—Gautam—and consider themselves the descendants of the rai Gautam “Rsi Gautam Ki Santan”. Lineages, which have in the part split off from the parent lineage, also have the same gotra and this is useful to remember when tracing ancestral links.

Strictly speaking, the Pandas believe that marriage into one’s own gotra, into that of the mother, the father’s mother and the mother’s mother is forbidden. However, apart from the prohibition against the partilineal gotra, they only take that against the maternal grandfather’s gotra very seriously and it is possible to persuade the officiating panditji to adjust matters. Nevertheless, it is not only unusual and highly irregular but also scandalous for a Panda to marry into his own gotra. That exceptions do occur is instanced by an amazing case, where a young Panda boy sent his wife away and lived with a girl from his own lineage (and gotra). Her mother was a widow and poor and had looked to him for support and help. As the boy earning independently at the nearby factory, he was able to ignore all the criticism and excitement and to set up in a room in Hardwar.

6.11 AGE AT MARRIAGE

The Sastras enjoin the marriage of a female before she arrives at puberty and prescribe rules for guardianship in marriage. The Child Marriage Restraint Act of 1929, however, makes it penal for a male under the age of 18 years to marry and a girl less than 15 years, but such marriages are not invalid. The Pandas took very little notice of this law until recently and girls and boys continued to be married very young. There has been considerable change however over the last forty years or so. Whereas parents of older Pandas were married at six, eight or ten years of age for a girl, and ten years for a boy, they themselves
think of marrying their own children much later. In general, the girls who have least education marry first, as there is little for them to do in the household except domestic tasks. The status attached to higher education and its importance in the marriage market has meant that many Panda girls so on to high schools and colleges. Educated boys now require similar wives and, if they cannot be found within the community, they are brought in from outside. It is acknowledged that boys and girls who are married when they are at what is considered a more responsible age should have slightly more influence on the discussions of their marriage. Many heads of families now consult the boy about his future marriage and on occasions, he may try to defer it. He may say, for example, "I am studying now and earning nothing. What need is there for marriage?"

During the period of fieldwork, a young Panda youth managing his own shop of general provisions declined to marry a girl favored by all his relatives as an heiress. He temporized unhappily with the girl's father for some time and then refused the relationship. In another case, a highly educated man from a lineage of high status arranged his own marriage outside the community. That such incidents can occur is symptomatic of the looser relationship between father and son. The relationship is still one of great respect and formality but increasingly sons play some part in decisions, which concern them. Adult Pandas claimed that their own fathers had married them wherever they wished. Today, the appearance of deference is maintained but young men are able to have some influence. Girls also, if they are seventeen or eighteen years of age and educated, are often allowed to express a preference, but time for them is much shorter and the alternatives fewer. Few girls would see any possibility of opposing a family choice.
6.12 DIVORCE AND REMARRIAGE

In the Panda community, as among traditional Brahman everywhere, divorce is deplored. It is generally regarded as an urban phenomenon copied from the West and characteristic in India of educated but degenerate families. The Hindu Marriage Act of 1955 provides for judicial separation and divorce but, even today, Pandas do not use it. Although situations exist in which there are technically grounds for divorce, in the years since 1955, only one husband had sought a legal divorce. This was, however, difficult to establish since de facto separations were claimed to be legal divorces. Wives were sent back to their parents and boys remarried but there was almost no resort to the courts.

The wife is bound to live with her husband and to submit herself to his authority even now after the passing of the 1955 Act. If either of them deserts the other, the aggrieved spouse may file a petition for the restitution of conjugal rights. Although some of the Panda wives have been deserted, they do not go to court because they are independent and because to go to court is in itself disgraceful. In fact, pressure from relatives is employed rather than legal measures and quarrels usually centre on the return of the dowry. To be deserted is a terrible fate for a Panda wife and it is made worse for her by the knowledge that the burden on her parents will increase, since they will have to provide for her maintenance. It will be usually quite impossible to remarry her. There are very rare cases where wives (bahus) of Pandas have left their husband's house wife the consent of their fathers and have afterwards been remarried outside the Panda samaj, and where parents of guardians have remarried a girl deserted by her husband. In such cases, dahej is given twice and the expense for the parents is great. Such remarriages are highly scandalous at the time.

There are strong social pressures, which discourage individuality as opposed to tradition. However, since the formal organizations of the Panda
community are often powerless, gossip is the main social weapon, together with avoidance and the breaking of family links. Where a Panda is economically independent of his father and of the community, censure may not be so crushing. Thus, many Pandas say that the disregard for the community and for elders is increasing.

The marriage of a widow was legalized by the Hindu Widow's Remarriage Act of 1856 but pure sanatani Hindus such as the Pandas are loath to admit that such remarriage takes place, and many Pandas deny that examples are to be found within their own community. The first instance occurred in 1947, when Pandit Kraparam Sharma decided to marry a widow of the Khyali (Motivala) thok. He met with great hostility and there were attempts within Ganga Sabha to outcaste he. He was resolute and was fortunate enough to gain the support of one of the most renowned Panda leaders, Sardar Ramakha. With his aid, he brought the fifteen-year-old widow to his home and married her in a civil ceremony. His wife's family remained suspicious of him and to this day relations are uneasy. He feels that many community members dislike him for his action. There have been two other such marriages and today there is less hostility, particularly if the widow is young, beautiful and has no children.

It should be noted that most of the women and become widows—even those who are widowed very young—are supposed to live purely and simply in the house of their dead husband's family. They wear white saris and cannot decorate themselves or wear jewelry. They must eat plain food. In the previous generation, the position of widows was unfortunate and still today their complete dependence sometimes makes their lives pitiful. A young widow can be treated as a servant by her husband's relatives and the traditional view that a wife is to blame for her husband's death, and that she is inauspicious, lingers on. However,
among the Panda community some older widows run their own jajmani vrti and manage their joint families. These are women with some wealth and force of personality.

The remarriage of widowers (unlike that of widows) poses few problems. If the man or boy is suitable in all other respects—he is relatively young, has a good income, owns property and bahis and has few or no children—a father will consent to marry his girl to a widower. As girls depend on their parents, they will not take any difficulties. Only if they have some further education or the contemplated bridegroom is much older will they put forward objections. Many Pandas have been married twice, or even three or four times. There are a few cases where a husband has married his dead wife's sister.

6.13 LOVE MARRIAGES AMONG PANDAS

Pandas see the love marriage as disastrous and as a new urban phenomenon imported from the West. It implies that the individual puts himself before his community and before religion, and jeopardizes the status of his family and the marital chances of a sister or other relative. Within the community, marriage has economic and social bases, which involve the family and lineage rather than the couple, and a love marriage cannot have the respectability and steadiness of an arranged marriage. Even educated Panda girls do not wish for a love marriage, which, in the context of Hardwar, would be impossible. There are, however, examples of boys and girls pressuring the parents if the relationship is a suitable one. It is not unknown for young girls to commit suicide by drowning if their lives become intolerable, and there are very rare cases where an individual chooses to go against custom and community. In general, girls are kept in the house and are closely guarded, but there is an example of one girl studying in Dehradun who married a Vaisya student (now a professor
in English) and braved the censure of the community. This was rarely spoken of except very privately, since it is so scandalous. The Pandas believe that the mixture of castes is in itself as evil and degradation, but they also see the practical difficulties where customs and way of life are so different.

Within the community, films, radio and popular magazines have excited great interest in Western mores. The Westerner is usually portrayed as entirely decadent and with extraordinary addictions to sex, alcohol, drugs and divorce. The Pandas believe that these are exemplified in the lives of the hippies they occasionally see roaming about. By contrast, their own customs appear to have dignity and to give stability. Occasionally, the young feel restricted, but the girls have too much to lose to seek greater independence and the boys are not badly off. Love marriages, like divorce, are known to be the prerogative of an urban and educated elite and carry a strong social stigma. Within the community, there are one or two Pandas who profess radical and individualistic notions but even they give them no practical expression. To do so would be to injure their own reputation and to harm the chances of their children.