CHAPTER II
REGULATORY MECHANISM AND PATTERN MAINTENANCE
IN RURAL INDIA
Village India presents a unique system of regulatory mechanism and pattern maintenance in and through its highly complex caste-structured society. For each village has many castes, and each caste has its consanguinous and affinal ties spread over a number of other villages where members of the same caste live. As such, each caste has a well-defined position in the traditional authority structure — both within and outside the village. Dube has very succinctly put this idea of vertical and horizontal extensions of a caste, thus:

"Within a village the caste system manifests itself as a vertical structure in which individual castes are hierarchically graded. . . . The horizontal ties of a caste, too, are important, for a caste group living in one village has its strong links with its counterparts in other villages, and in several spheres of life members of the same caste living in different villages tend to act together" (Dube, 1958, 27).

When we approach the caste system in the rural setting and try to delineate the vertical and horizontal extensions of castes, on the vertical plane we encounter caste hierarchy as a system of inter-relations whereas on the horizontal plane we encounter caste as a unit having its territorial expansion. When such vertical and horizontal
extensions are further viewed in terms of intravillage and intervillage contexts, it becomes clear that there are four dimensions or patterns of traditional authority structure. These patterns can be identified as follows:

**Intracaste Intravillage Organization** — commonly known as the **Biradari Baithak**

**Intercaste Intravillage Organization** — commonly known as the **Gaon ki Panchayat**

**Intracaste Intervillage Organization** — commonly known as the **Kudariya**

**Intercaste Intervillage Organization** — commonly known as the **Aan Gaon ki Panchayat**

**Intracaste Intravillage Plane:**

When a caste is studied as a regulatory mechanism for pattern maintenance, it becomes obvious that the elementary base of authority structure begins from the self organization of a caste. Such an organization of a caste in the rural regions of Northern Madhya Pradesh is called the **Biradari Baithak** which is, on the one hand, a part of the traditional village council (i.e., the intercaste intravillage organization) and, on the other, a unit of the Kudariya (i.e., the intracaste intervillage organization). It is the basic unit of the traditional village council as well as the traditional caste council on the intervillage plane.
The existence of the **Biradari Beithak** is dependent on and relative to the following pre-conditions:

a. In order to constitute a **Biradari Beithak**, a caste must have its numerical preponderance in the village;

or

b. A caste must be economically strong besides having its sizeable numerical strength, if it has to have a **Biradari Beithak**.

In either case, however, a caste will have its **Biradari Beithak**. But a caste having its one or two families in the village will or can hardly constitute such a **Biradari Beithak**.

Such **Biradari Beithaks** are common to nearly all castes. Among the higher castes (such as the Brahmana, the Rajput, the Lodhi and the Dangi, to name a few), their **Biradari Beithaks** are more or less informal whereas among such castes which have their formal intervillage councils (i.e., the Kudariya), the **Biradari Beithak** is both formal and functional.

When a caste is numerically preponderant or has sizeable numerical strength besides being economically strong in the village, we find a dual authority structure of the caste. For instance, in Baroda, Hinnod and Salesiya villages,
the Kurmi are numerically preponderant. In Badbadi and Chakeri villages, the Kachhi form the numerically preponderant personality. The Brahmans are numerically preponderant in village Barkhuwa. The Raj Gond are preponderant in Barkhera village whereas the Chamar are in sizeable numerical strength in Sanjara and Jamuniya villages (see Table 5, Chapter IV). In all these castes (except the Brahmans in Barkhuwa), their dual formal authority structure is found on the intravillage intracaste and intracaste intervillage planes in order to regulate the social behaviour of the members of their own castes.

The Biradari Baithak is, thus, a mini-caste council within a larger caste council as an intracaste intervillage organization (i.e., the Kudariya). In respect of incidents — social, ritual and ethical — taking place within the caste, the cases are first adjudged by the caste elders (commonly known as the savane). These caste elders are generally the representatives from each household. The Biradari Baithak is, thus, constituted by the heads of the households of a caste in the village. These elders of the caste decide whether or not a particular case of social, ritual or moral lapse should be forwarded to their caste Kudariya or to the traditional village council. In some matters, these caste elders themselves decide the issues without either forwarding the case to the traditional village council or referring it to the caste Kudariya. A list of
cases referred to the traditional village council and/or the Kudariya is given hereunder:

<table>
<thead>
<tr>
<th>Traditional Village Council</th>
<th>The Kudariya</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cases of mutual beating or quarrels</td>
<td></td>
</tr>
<tr>
<td>b. Cases of allocation of property</td>
<td></td>
</tr>
<tr>
<td>c. Cases of immoral sexual relations</td>
<td>Cases of immoral sexual relations</td>
</tr>
<tr>
<td>d. Cases connected with social misconduct</td>
<td></td>
</tr>
<tr>
<td>e. Cases of parag (stigma of killing)</td>
<td>Cases of parag</td>
</tr>
<tr>
<td>f. Cases relating to commensal relations with forbidden castes</td>
<td>Cases relating to commensal relations with forbidden castes</td>
</tr>
<tr>
<td>g. Cases relating to release from jail</td>
<td>Cases relating to release from jail</td>
</tr>
<tr>
<td>h. Cases of the Kameen castes relating to non-rendering of services</td>
<td></td>
</tr>
</tbody>
</table>

When a caste is represented by one or two families and has no Biradari Baithak in the village, the immoral or anti-social acts of any member of that caste are taken up to be discussed by the traditional village council that may decide whether or not the case should be referred to the Kudariya of the offender. Generally, the Kameen castes are in extreme minority in a village, and the cases relating to
them are taken up by the traditional village council which usually refers such cases to the Kudariya of that caste.

**Intercaste Intravillage Plane:**

In the Bundelkhand region, the intercaste intravillage organization is known as the *Gaon ki Panchyat* (the traditional village council). In the Bundeli dialect, it is also known as the *Sat Jat ki Panchyat* (literally meaning the traditional council of seven castes). Nearly every village has its traditional village council. It is a multi-caste council within the village. It is constituted by representatives from all the castes in the village. The members of the council are known as the Panchas. They are the elders of the castes living in the village, and are generally rich and influential persons in the village. The elders of all castes and the influential persons of the village participate in the meetings very actively and regularly whereas members of the unclean castes participate in the meetings only on such occasions when matters connected with them are taken up by the council. Moreover, if somebody continues to attend very regularly the meetings of the traditional village council, actively participates in its deliberations, and gives valuable advice in the process of decision-making, he generally gets accepted as
a formal member of the council, irrespective of his age or caste or whatever.

From the point of view of authority structure, the traditional village council constitutes one compact unit in the village, and it performs several important functions. Generally, the following matters relating to the socio-cultural spheres of life of the village are put up before the council:

a. Formation and emergence of gangs that threaten the village solidarity

b. Domestic disputes relating to denial or deprivation of minimum privileges to certain members, their maltreatment or desertion, and the like.

c. Cases of filthy abuse and/or physical violence among village people

d. Issues relating to sexual lapses and illicit sexual intimacy

e. Issues relating to intercaste tensions

f. Issues relating to killing of sacred animals

g. Issues relating to village festivals, their planning and working out

h. Issues relating to fields, houses, cattle, and crops

i. Issues relating to acceptance of food or water from the low caste persons

j. Only occasionally does it take cognizance of matters relating to property, where its decisions are seldom final and binding
Apart from this, it is the privilege of the village council to decide about the details of the ritual ceremonies of the village, such as donation-collection, date and time of performance of the ceremony, and the like. For instance, in the month of Bhadrapad (August-September), the village is encircled every year by the performance of magico-religious rituals so that diseases may not enter the village. The above decision is made by the village council, and on the appointed day, all the villagers assemble and perform the worship of village gods and deities. In most of the villages of the Bundelkhand region, this ritual ceremony is organized.

As has been mentioned earlier, the traditional village council has representation of all the castes. It is headed by a Sarpanch who is often elected by general consensus of opinion from amongst all the members. However, it is the tradition that the Sarpanch should always belong to a higher caste, and have an effective social personality in the village, so that at the time of decision-making his judgment may be accepted by all.

**Intracaste Intervillage Plane:**

The intracaste intervillage organization is called the Kudariya in the Bundelkhand region of Northern Madhya
Pradesh. The entire study undertaken by the author is based upon this pivotal organization, and in the forthcoming chapters has been given a vivid description of the intracaste intervillage authority structure, its spheres, functions, etc.

When we study the caste on the horizontal level, we find that each caste exists as an independent unit or an endogamous unit in the village; and it has its own caste organization which is purely found on the horizontal level. It has its regional boundary within which several villages come under its jurisdiction. In these villages live the men of one endogamous unit. This territorial or regional organization in the Bundelkhand region is called the Kudariya, and it is found in all the castes except in some higher castes. The traditional caste council on the intervillage plane has its traditional Panchas and other office-bearers, including the Kudariya chief at the top, whose office is decided by inheritance in every caste.

Generally, only those cases that are concerned with the social and ritual norms of the caste, are put before the Kudariya meetings. The meetings are summoned only when somebody violates these norms. Often, the serious breakers of caste norms and traditions, and important intracaste disputes are put before the Kudariya which gives its
judgment upon them. Cases of divorce and remarriage, refusal of sending the daughter back to her in-laws after her marriage, serious sexual lapses, illicit sexual intimacy with lower or higher caste person, breaches of the norms of the society, such as incest, breaches of the rules of endogamy and exogamy, taking food or water from the forbidden castes, and pursuing a lower occupation, etc. are considered by the Kudariya.

The area of the Kudariya decision-making is limited to fines, holy bath, caste feast, and Satkor feast or bhandara. Except in the case of Kari, the procedure of decision-making is similar in all castes. The cases of Kari are taken up by the Kudariya, and the traditional village council plays no role in this matter. Besides, in all other cases the action is taken by both the Kudariya and the village council, and both form their own decisions. It is interesting to note that by the decision of the Kudariya one is readmitted into his caste while, through the judicial process of the village council, he gets back his socio-ritual status in the village community at large. After the fine and feast according to the final judgment of the village council, a person becomes ritually clean, and the persons of other castes start accepting him and his services again.
Intercaste Intervillage Plans:

The intercaste intervillage organization as a regulatory mechanism is found both on formal and informal levels in the Bundelkhand region. In the Bundeli dialect, such informal intercaste intervillage organization is known as the Aan Gaon ki Panchyat (the traditional council comprising other villages and, by implication, other castes). Such councils are formed from time to time, when they are demanded by a special situation. Where there is a quarrel between persons or parties of two different villages, a temporary intercaste intervillage organization is constituted. But it is not necessary that its judgments should be binding on any party. If the case is not decided there, then it proceeds towards the court of law. Generally when some immoral act or some serious offence like sudden killing of a cow or an ox is committed by a person of a higher caste (such as the Brahmans, the Rajput, the Jains, the Lodhi or the Dangi, to name a few), the inhabitants of the adjacent villages gather the persons of higher castes and constitute a temporary multica caste, multivillage council which decides such matters. Its structure is as amorphous as its jurisdiction limited and its authority violable.

When we study the intervillage intercaste organization
in its formal setting, we find that the lowest level of
the three-tier system of democratic decentralization of
the Panchayati Raj is found in the form of the Gram
Panchayat as the Statutory Village Council. These Statutory
Village Councils are in tune with the Gandhian ideals of
democracy and have constitutional character and sanction.
Article 40 of the Constitution of India has laid down:

"The State should take steps to organize village
Panchayats and endow them with such powers and
authority as may be necessary to enable them to
function as units of self-government".

This was embodied in the Directive Principles of State
Policy, and it became obligatory on the part of the state
governments to enact local laws to implement the directive
and translate it into action. The Gram Panchayats were,
thus, envisaged to function as the statutory bodies for
planning and implementation of development plans. It was
because of their key role in rural development and national
reconstruction that late Prime Minister Nehru characterized
the Gram Panchayats as "the grassroots of democracy and a
factor for national integration".

The three-tier statutory councils — viz., the Gram
Panchayat (Sections 10 and 11), the Janapada Panchayat
(Sections 103, 104 and 105), and the Zila Panchayat
(Sections 166 and 167) — were constituted under the
provisions of the Madhya Pradesh Panchayats Act of 1962. In the process of democratic decentralization, the Act laid down provisions relating to the office-bearers, their term of office, their election, their powers and functions, etc. Nigam has very neatly summarized these powers and functions. To quote:

"The functions of the Panchayats are legislative, executive and judicial. They pass bye-laws for the good government of the village on any matter assigned to them. The breach of the bye-law or order of the Panchayat is punishable with a fine. The Panchayats have mainly administrative duties. The Panchayat Act prescribes a number of obligatory functions and also discretionary functions. . . .

The important obligatory functions include (a) construction, repair, maintenance, cleaning and lighting of public streets, (b) medical relief, (c) sanitation and taking curative and preventive measures to remove and to stop the spread of an epidemic, (d) upkeep, protection and supervision of any building or other property belonging to the Gram Sabha, (e) registration of births, deaths and marriages, (f) regulation of places for the disposal of dead bodies, (g) regulation of markets and fairs, (h) establishing and maintaining of primary schools for boys and girls, (i) construction, repair and maintenance of public wells, tanks and ponds for the supply of water for drinking, washing and bathing purposes, (j) regulation of the construction of buildings, (k) assisting the development of agriculture, commerce and industry, (l) maternity and child welfare, (m) allotment of places for storing manure and for tanning and curing of hides, and (n) the administration of civil and criminal justice."
The important discretionary functions of Panchayats are: (a) planting and maintaining trees on the sides of public streets and in other public places, (b) filling in of insanitary depressions and levelling of land, (d) organizing volunteer force for watch and ward, and for assisting Gram Panchayat and Nyaya Panchayat in the discharge of their functions and for the service of summons and notices issued by them, (d) assisting and advising agriculturists in the obtaining and distribution among them government loans and in the repayment thereof and in the liquidation of old debts, (e) establishing of improved seed and implement stores, (f) relief against famine, floods and other calamities, (g) establishment and maintenance of Akhara for wrestling and other places of recreation and games, (h) arranging for public radio sets and gramophones, (i) establishment of libraries and reading rooms, and (j) making arrangements for the seizure and disposal of stray cattle, stray dogs, wild animals and monkeys" (Nigam, 1968, 231-32).

The Madhya Pradesh Panchayats Act of 1962 also makes a provision for the Nyaya Panchayat under Sections 210 and 211. Besides laying down the provisions relating to the mode of election of the various office-bearers, it goes to define their criminal and civil jurisdiction under Sections 229 and 248 respectively. Nigam has broadly summarized these powers as follows:

"In addition to their administrative functions, the village Panchayats have been vested with judicial functions . . .

For the performance of judicial functions the Panchas constitute a bench. No person shall sit on the bench in the trial of or enquiry in Contd...
any case to which he or any near relation, employer, employee or partner of his is a party or in which any of them is personally interested. Whenever a Sarpanch of a Nyaya Panchayat has reason to apprehend that any person is likely to commit a breach of peace or disturb public tranquility, he may call upon such person to show cause why he should not execute sureties for keeping the peace not exceeding 15 days. The Nyaya Panchayats are empowered to try criminal cases of minor nature such as petty thefts, trespasses, encroachments on public property, wrongfully restraining any person, assault or the use of criminal force, criminal breach of trust and cheating. They can try civil suits generally up to a limit of Rs. 200/- . Normally a Panchayat can impose a fine up to Rs. 100/- in civil and criminal cases. They have no power to send a person to jail. They have no jurisdiction over cases involving public servants. No legal practitioner is permitted to appear before a Panchayat to plead or act for any party in judicial proceedings" (Nigam, op. cit., 233).

The first Statutory Panchayat in Madhya Pradesh was constituted about a decade and a half ago. The formation of a Gram Panchayat is done through defining the territorial boundary of a circle consisting of many villages, and then providing each circle with a Gram Panchayat. The number of the Panchas in the statutory body varies from 10 to 25. These Panchas are to be elected by secret ballot system and adult suffrage. After their election they, from among themselves, elect somebody as the Sarpanch. It is necessary for the Sarpanch to be educated, as he is to keep the proceedings and activities of the Panchayat in written documents. Generally, the
duration of the Gram Panchayat is up to 5 years. The elected Panchas apart, there are some nominated Panchas in the statutory body. They are: two female members, two scheduled caste members, and two scheduled tribe members.

The main sources of income of this body are derived from land tax, property tax, business tax, market selling tax, cycle tax, etc. The main activities of this organization are to supervise the work of sanitation and conservancy, to communicate the new ways of agriculture to the villagers, to implement minor irrigation schemes in their region, cleaning and repairing the main streets and water resources, to form regulations concerning market sitting, etc.

As per provisions of the Act, the meetings of the Gram Panchayat should be called at least twice a year, but the time is not fixed. It has seven kinds of committees:

a. Agriculture Committee
b. Committee for Rural Education Development
c. Committee for Rural Reforms and Social Welfare
d. Taxation and Finance Committee
e. Communication Committee
f. Committee for Rural Industry
g. Miscellaneous Committee
The elected members of the Panchayat are the members of these committees. They plan and act for the development and welfare of the village community. But in the area under study we do not see these committees in existence.

The ten villages under study come under four Gram Panchayat jurisdictions. They are as follows:

a. Gram Panchayat Baroda:
   Baroda, Salaiya, Badbadi, Chakeri and Jhilpatan.

b. Gram Panchayat Semra Gopalman:
   Semra Gopalman, Hinnod, Sanjara, Khajuriya, Chandoni and Barkhuwa.

c. Gram Panchayat Padrai:
   Padrai, Tendu Dabar, Mochal and Badera.

d. Gram Panchayat Ghughar:
   Ghughar, Birpura, Jamuniya, Barkhera and Pipariya.

Up till now the selection of the Panchas to the four Gram Panchayats has been made by nomination; they have never been elected by the secret ballot system. The villages falling under the territorial jurisdiction of a Gram Panchayat are divided into a number of wards, and a Pancha used to be nominated for each ward by the general consensus of opinion of the electorate of the ward. The
names of all such Panchas were then forwarded to the Block Development Office at Jaisinagar where entities are made into the Janapada Panchayat records; for Jaisinagar is the headquarters of the Janapada Panchayat.

The ward-wise distribution of the villages under the Gram Panchayat Semra Gopelman was as follows:

- Village Semra Gopelman -- 5 wards
- Village Hinnod -- 6 wards
- Village Sanjara -- 1 ward
- Village Chandoni -- 2 wards
- Village Khajuriya -- 1 ward
- Village Barkhuwa -- 1 ward

In the year 1970, the number of Panchas in the Semra Gopelman Gram Panchayat was 16. The details of these Panchas are as follows:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name</th>
<th>Caste</th>
<th>Age</th>
<th>Education</th>
<th>Resident of village</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sarpanch Gulab Chand</td>
<td>Jain</td>
<td>46</td>
<td>Matriculate</td>
<td>Hinnod</td>
</tr>
<tr>
<td>2.</td>
<td>Upasarpanch Amol Singh</td>
<td>Dangi</td>
<td>40</td>
<td>4th Hindi</td>
<td>Semra Gopelman</td>
</tr>
<tr>
<td>3.</td>
<td>Panchas Moti Lal</td>
<td>Jain</td>
<td>60</td>
<td>5th Hindi</td>
<td>Hinnod</td>
</tr>
<tr>
<td>4.</td>
<td>Kanai</td>
<td>Kurmi</td>
<td>50</td>
<td>4th Hindi</td>
<td>Hinnod</td>
</tr>
<tr>
<td>5.</td>
<td>Karan Singh</td>
<td>Chadar</td>
<td>54</td>
<td>4th Hindi</td>
<td>Hinnod</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name</th>
<th>Caste</th>
<th>Age</th>
<th>Education</th>
<th>Resident of village</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Puran Singh</td>
<td>Dangi</td>
<td>55</td>
<td>4th Hindi</td>
<td>Hinnod</td>
</tr>
<tr>
<td>7</td>
<td>Parmamanand</td>
<td>Kurmi</td>
<td>65</td>
<td>4th Hindi</td>
<td>Hinnod</td>
</tr>
<tr>
<td>8</td>
<td>Nathu Singh</td>
<td>Rajput</td>
<td>40</td>
<td>5th Hindi</td>
<td>Sanjara</td>
</tr>
<tr>
<td>9</td>
<td>Puran Singh</td>
<td>Raj Gond</td>
<td>45</td>
<td>Middle</td>
<td>Semra Gopalman</td>
</tr>
<tr>
<td>10</td>
<td>Bihari</td>
<td>Chamar</td>
<td>56</td>
<td>3rd Hindi</td>
<td>Semra Gopalman</td>
</tr>
<tr>
<td>11</td>
<td>Lachhman</td>
<td>Kashhi</td>
<td>60</td>
<td>4th Hindi</td>
<td>Semra Gopalman</td>
</tr>
<tr>
<td>12</td>
<td>Raja Ram</td>
<td>Dangi</td>
<td>61</td>
<td>4th Hindi</td>
<td>Chadoni</td>
</tr>
<tr>
<td>13</td>
<td>Shagwan Das</td>
<td>Pandeyp</td>
<td>58</td>
<td>4th Hindi</td>
<td>Khajuriya</td>
</tr>
<tr>
<td>14</td>
<td>Ram Dayal</td>
<td>Tiwari</td>
<td>60</td>
<td>4th Hindi</td>
<td>Barkhuwa</td>
</tr>
<tr>
<td>15</td>
<td>Kunwar Bai</td>
<td>Dangi</td>
<td>35</td>
<td></td>
<td>Hinnod</td>
</tr>
<tr>
<td>16</td>
<td>Shanti Bai</td>
<td>Soni</td>
<td>35</td>
<td>3rd Hindi</td>
<td>Semra Gopalman</td>
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</tbody>
</table>