CHAPTER FOUR

TRADITIONAL PANCHAYAT SYSTEM OF THE BADAGAS
Edgar Thurston was the first to make the preliminary observations about the system of panchayats among the Badagas of the Nilgiris. A. Rajabahadur Mudaliar, in his letter to Thurston wrote that in the former days the 'monegar' was a "great personage as he was the unit of village administration". As the appointment was generally hereditary, it almost invariably fell on the most well to do. He was in fact considered to be the king pin of village administration. Even though his primary function was to collect revenue from the villagers, as he was the most important person on the spot, he was consulted even on matrimonial affairs. The people would also go to him to settle disputes whenever they arose. He was practically the "chief of the territory under his charge". His decisions were accepted as final.


2. It is a corruption of the Tamil word "monegar" which refers to the village Munsiff.

3. Thurston, E., op.cit., p.79.

Some minor disputes like division of property and
domestic squabbles were decided by the monegar himself.
At the event of the dispute being intricate, he would
call a village council to which the elders of the
village would be summoned. After taking their opinion,
he would pass an order which must be obeyed, for his
word was law.5

In the olden days, for the purpose of trying
disputes, a specific place would be set apart and it
would usually be the nim tree or a pipal tree. The
monegar would be the ex-officio president of such
meetings. He and the council had the power to fine
the parties, excommunicate or to re-admit them into
their fold. The monegar, by virtue of his position,
wielded much power and ruled the village as he liked.

Of late there has been a change in the role of
the monegar in the context of village administration.
The kind of privilege and absolute authority with which

he used to literally rule the village, as observed by Thurston and Grigg, has ceased to exist. He certainly takes an important role in the settlement of disputes and other local affairs, but he is not the "unit of village administration", as his position has now been transformed into one of the main functionaries of local administration. On some minor disputes, as Thurston observed, the parties concerned had only to take an oath in the temple before the elders whereby there will be no deliberation of the case. But of late, for all types of cases, a panchayat\(^6\) comprising the elders and the residents of the village is constituted in accordance with the nature of dispute. If the litigants belong to the same hamlet, the panchayat meets in front of the temple of the respective hamlet. On the other hand, if the litigants belong to different hamlets, a common place, preferably under a large tree or the Panchayat Board premises will be chosen for the panchayat to meet.

The deliberations at these panchayats give ample

6. A group of elders for the purpose of arbitration.
provision for the accused to defend himself either personally or through a clever spokesman which may be indicative of democratic principle. By tradition, professional lawyers are debarred from even attending such panchayats unless they happen to be litigants themselves. The elders, who get together for arbitration are not mere witnesses as in the olden days, but they are deliberators and arbitrators with a keen sense of purpose. This transformation in general may be an index of modernization.

Though it is a popular belief that due to modernization this traditional authority which has been enjoyed by the elders is an absolute anachronism, it is interesting to note that this traditional method of arbitration exists even to this day in the Nilgiris district.

Comparative studies on modernization have shown that no traditional society can be purely traditional nor can a modern society be purely modern. In either type of society there will be exist some trace of both. When modernity creeps into a traditional society "old
traditions are not completely displaced by modernization. What follows is an accretion and transmutation of forms.  

While referring to caste system, Lloid I. Rudolph termed a similar phenomenon as "Modernity of Tradition" and concluded that "modernity has entered into Indian character and society, but it has done so through assimilation not through replacement". On this basis, one has every reason to believe that since modernity in traditional society proceeds through a transitional stage in which traditional cultural forms have necessarily to undergo syncretic changes, the net result of modernization which would finally emerge at the conclusion of this transitional stage will have the imprints of tradition. A similar image of "modernity of tradition" is clearly projected in the structure and functions of the Badaga system of panchayat. Modernity is stated to

7. Yogendra Singh, 'Modernization of Indian Tradition', a Systematic Study of Social Change" (Delhi: Thompson Press (India) Ltd., 1973), p.120.

be the process of rendering feasible the gradual
transformation of human life from what it has been into
what we choose to make it. Thus, the Badaga community
tends to be 'modern' with the retention of its traditional
system.

If the popular electoral politics is intended to
be an agent of social and political change, the
system of panchayat in the Badaga village investigated
presents a combination of the modern western principle
and traditional value in its composition and functions
at the village level. Members of the Panchayat Board
and the elders put their heads together to decide all
vital issues concerning the village.

The Badaga panchayat system as found today in the
Nilgiris district may be studied under the following
heads.

1. Organizational structure
2. Diagramatic representation of the process of trial

9. Smith, W.C., 'Modernization of a Traditional Society',
Economic and Political Weekly, Spl. No.

11. The first two will be described in this Chapter and
the third in the Fifth Chapter.
3. Typology of disputes
For the sake of clarity the above mentioned topics will be described with special reference to one of the important Badaga Villages as observed by the author.

1. ORGANIZATIONAL STRUCTURE:

The structure of the Badaga panchayat contains a four-tier hierarchy as shown in figure 4.1. At the apex of the hierarchy is the 'Fournad panchayat' \(^{12}\) Tier-B is termed as 'Nad panchayat' tier-C is called 'Village panchayat' and at the base is the 'Hamlet panchayat'.

HAMLET PANCHAYAT

When any dispute arises among the residents of a hamlet, the matter is taken to the 'Gauda' \(^{13}\) of the hamlet for settlement. He, along with a few other elders of that hamlet, will constitute the panchayat at the initial level 'D'. The panchayat always meets on the temple premises to try all types of disputes. The verdict passed on certain types of minor disputes like street brawl and scuffle are usually accepted by the

12. It is also known as "Nakku Betta".
13. This term refers to the headman of the hamlet
TIER A  FOURNAD PANCHAYAT
TIER B  NAD PANCHAYAT
TIER C  VILLAGE PANCHAYAT
TIER D  HAMLET PANCHAYAT

Figure . . . 4.1.
litigants. But at the same time, however, the disputants have the right to approach the next higher panchayat i.e., level 'C' on appeal.

**VILLAGE PANCHAYAT**

Level-"C" in the hierarchy of panchayats is a more widely represented body with the village munsiff (Monegar), the Panchayat Board President and the 'Gaundike'\(^{14}\) performing important roles. These three are always members of the panchayat at this level by virtue of their position in the village. It is interesting to note that at this level there is a combination of the members of the Panchayat Board and the Traditional Panchayat for seeking settlement of disputes coming under its jurisdiction.

Panchayat at this level has both Original and Appellate jurisdictions. The Original side deals with matters pertaining to residents of more than one hamlet

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14. This refers to the headman of the entire village, whose office is hereditary.
and the Appellate side, on matters taken on appeal from Tier-'D'. When the residents of a hamlet are not satisfied with the verdict of the panchayat at level-D, by way of appeal they would either approach the Gaundike or the monegar or the Panchayat Board President. Whoever is contacted, the ultimate responsibility falls on the Gaundike to fix a date to convoke the panchayat and inform the residents of all the hamlets to settle the issue on hand. The panchayat would meet on the appointed day in a common place, usually under the shade of a big tree to settle the dispute. The gathering on such occasions will normally number about a hundred, representing all the hamlets, with the monegar as its president.

Decisions taken at this level will be usually final. The disputants, as in the earlier stage, may take their disputes, as a matter of right, to the next higher level, viz., the Nad panchayat or Seemai panchayat. 15

15. 'Seemai' is also a common term for the Badagas to mean a region or the same as 'nad'.
At this stage, it will be significant to note that the Nilgiris plateau was originally divided into four tracts called:

a. Peranganad, 'the country of the great Ranga-a deity, which is situated on the extreme east',

b. Merkunad, 'the western country',

c. Todanad, 'the country of the Toda tribe' on the north,

d. Kundahnad, 'the mountain range' in the south western corner.

Hullathy Village Panchayat forms a part of Todanad, along with six other village Panchayats as shown in figure 4.2. Though Todanad derived its name from the Todas, even as early as 1825, out of Todanad's population of 7,537 only 517 were Todas whereas the Badaga population was 6,260. Similar was the case with regard to other three tracts also.

16. Francis, W., op.cit., p.3.
The panchayat at the Nad level contains representatives from all the seven village panchayats. It has both Original and Appellate jurisdictions. Original side deals with matters pertaining to residents of different villages of the same nad and the appellate side deals with matters in which no amicable settlement has been successfully arrived at.

The presiding officer of the panchayat at this level is termed as 'parpatigaru ' or 'parpaty'. His functions are somewhat similar to those of the Gaundike in making arrangements for the convocation of the panchayat. But his position is relatively superior as he, apart from making arrangements for the panchayat to meet, presides over the deliberations of the panchayat also. Gaundike's role in this regard is mainly to pronounce the verdict at the conclusion of the meeting. In other words the 'parpaty' combines in himself the work of the monegar and the Gaundike.

18. These terms were used by the people of Vijayanagar empire. Mahalingam, T.V., 'Administration and Social Life under Vijayanagar', (Madras: University of Madras, 1940), p.231.
FOURNAD PANCHAYAT OR 'NAKKU BETTA'

This forms the apex of the panchayat hierarchy of the Badagas. When matters pertaining to the Badagas community in general are taken to this organ, representatives, numbering a few hundred, from all the four nads meet at a common place in Ootacamund. The decision arrived at after proper deliberations at this level will be final. This organ has both Original and Appellate jurisdictions like the two preceding levels. Original, on matters pertaining to the residents of more than one nad or 'betta' or to matters concerning the Badaga community in general, and Appellate, when decisions taken at the Nad panchayat has not been accepted. The Fournad panchayat is considered as the highest court of appeal by the Badagas as far as their affairs are concerned.

The presiding officer at this level is termed as 'Stala Gauda', or 'Nakku Betta Gauda'. The last one to occupy this position was the late Rao Bahadur Ari Gauda after whose death no one has taken his place.
Hence, the organizational structure of the panchayat system of the Badagas consists of the aforementioned levels. This structure is indeed representative of a decentralized system of panchayat. Though it may not be based on democratic principle as we conceive today, this institution represents the much cherished traditional values, where people voluntarily give their consent for the maintenance of this ancient system of local administration. It is through their own voluntary effort that they approach this traditional institution to seek solutions to common problems. Hence, in a way, this institution possesses greater significance than a democratic institution as here, people universally acknowledge the need for the continuance of this traditional system of administration at the grassroots level.

A BRIEF DESCRIPTION OF THE PROCESS OF TRIAL

TYPE ONE

Two distinct types of trial process were witnessed at Hullathy village. Description of the first type deals with the arbitration of a dispute between the residents of the same hamlet.
Arjunan and Kuselan are residents of Kalhatti hamlet. Arjunan had cultivated garlic on his land. Kuselan, while trespassing into Arjunan's land had destroyed some plants. When questioned by the angered owner, Kuselan lost his temper and beat Arjunan which resulted in the exchange of blows. This dual crime of trespassing and assault was brought to the notice of the Gauda of the hamlet. He, along with a few other elders of the same hamlet, met to settle the dispute. According to the verdict passed at the hamlet panchayat, Kuselan was found guilty of trespass and assault and was asked to pay a fine. But Kuselan was not prepared to accept the verdict of the panchayat. Hence, the matter was informed to the Gaundike, who, after consulting the Panchayat Board President and the monegar fixed a date for the Village panchayat, i.e., the 'Court of appeal' to meet. The date was announced to all the sixteen hamlets so that people from all these hamlets could take part.

On the appointed day, the Gaundike, Panchayat Board President and monegar took their places in front of the temple as shown in figures 4.3 & 4.1.1. On their right,
1. Temple
2. President
3. Monegar
4. Gaundike
5. Plaintiff
6. Accused
7. Supporters of
8. Supporters of
9. Elders
10. Stupi
Fig. 4.1.1 Badaga traditional panchayat meeting before the temple
the disputants and their supporters were seated, and on to their left, the elders were seated. In the middle of the gathering stood the 'stupi' representing their 'pillar god'. The trial began with the monegar introducing the reason for the meeting of the panchayat. After the brief introduction, Arjunan, the plaintiff was asked to go to the open space near the stupi to give an account of the incident. Arjunan stated that Kuselan, apart from having trespassed into his land and destroying the plants, had gone to the extent of assaulting him.

Then the accused, Kuselan was called to the stupi to give his deposition. He stated that quite unintentionally he cut through Arjunan's land and that only because Arjunan used some abusive language he was provoked to assault him. Then arguments began between the supporters of the litigants and the elders, with the three principal officers occasionally making some remarks, but mostly observing the arguments. This went on for about half an hour and finally the elders found both at fault.

Because Kuselan trespassed into Arjunan's land the latter was provoked to abuse the former who in turn was provoked to assault. Hence a fine amount of Rs. 25 was suggested in the usual traditional way. The two litigants pleaded their inability to pay the amount. After some reconsideration by the elders, the two volunteered to pay Rs. 6 each which was accepted by the elders.

After settling the amount, the two walked up to the Gaundike, went down on their knees, and bowed their heads, touching the ground at the feet of Gaundike as shown in figure 4.3. The act of bowing as a part of the trial process is compulsory for all, in token of having accepted the decision made by the collective wisdom of the elders. Bowing, by itself, is not a punishment but a prelude to it.

The fine was then paid to the Gaundike after which, the two disputants shook hands. While this was being

20 It is customary that the actual fine to be paid has to be voluntarily suggested by the accused. The Gaundike would suggest an exorbitant amount which would be reduced by the elders once. After this the accused will have to offer to pay any amount which he can afford. If this is reasonable, then the elders would accept it.
done, the entire assembly shouted "Ondhuga Savira agali, ella Ollithagali". The fine thus realised was utilised for providing a glass of tea to all those who took part in the trial proceedings. This is, in contrast to the usual custom of making use of the fine for a common purpose in the village or giving it to the temple, as found in many of the villages elsewhere.

**TYPE TWO**

This deals with the description of trial of a dispute between residents of more than one hamlet.

Kalan of Hullathy had cultivated carrot crops on his plot of land. One day the cattle of Bellu, a resident of the same hamlet, had destroyed the crops. Kalan's wife who was looking after the crops asked belligerantly as to why he let loose his cattle which had destroyed the crops. Bellu's son who was close by beat Kalan's wife. On hearing the incident, Kalan went to Bellu to question which ultimately resulted in a clash between the two.

21. In the Badaga dialect, it means "let one become thousand, and may all be good."
ground to put forth his case. He stated that Kalan’s wife had insulted him by calling him "οκ’tοπο’οντοπ”. He stated that Kalan’s wife had insulted him by calling him "οκ’tοπο’οντοπ". and wanted the statement to be proved by Kalan.

It is customary that women are not permitted to attend panchayat. Hence, after Bellu’s deposition, Kalan was asked to defend the charges levelled against his wife by Bellu. Kalan pleaded that only because his wife was beaten she was provoked to call Bellu "οκ’tοπο’οντοπ". But the elders were not convinced. Then Chandran was asked to explain how he got involved in the dispute.

Then, about fourteen elders including the principal officers, went to a secluded place, seated themselves in a circle again, to discuss the verdict as shown in figure. After about ten minutes, they came back to their original places and the Gaundike announced the decision of the panchayat. Bellu was asked to pay a fine of Rs. two hundred for having taken the dispute to the police, which was finally reduced to Rs. fifty. Kalan was asked to pay Rs. five hundred which was reduced to Rs. one hundred and twenty five for

22. This word is believed to mean the same as "οκ’tοπο’οντοπ" which means a sorcerer.
A: The Panchayat as found in figure A.

B: The group of elders discussing the verdict away from the general gathering.

Figure 4.5
not having kept his wife under control, and Chandran, the passer by, was asked to pay Rs. forty, which was reduced to Rs. ten for having unnecessarily involved himself in the dispute. All the three disputants went upto the Gaundike, bowed at his feet as a token of having accepted the verdict of the panchayat and handed over the fine to the headman. While the three shook hands, the entire gathering shouted in unison "ondhu savira agali....".

Such an expression of village solidarity is not an uncommon factor among the Badagas. This corporate village life is established mainly due to the effective functioning of the traditional panchayat.

It is also interesting to note that throughout the Nilgiris district this indigenous system of panchayat functions along side of the modern panchayat institution which has been statutorily established.
Fig. 4.2.1. Badaga traditional panchayat -- Start of the trial
Fig. 4.2.2. Monegar initiates the trial.
Fig. 4.2.3. Bellu, the plaintiff, gives his complaint
Fig. 4.2.4. Kalan, the accused, defends
Fig. 4.2.5. Elders are deliberating
Fig. 4.2.6. The jury retires to a secluded place to decide
Fig. 4.2.7. The jury discusses the punishment
Fig. 4.2.3. Bellu falls at the feet of the Gaundike
Fig. 4.2.9. Kalan, falls at the feet of the gaundike
Fig. 4.2.10. Chandran, falls at the feet of the Gaundike