CHAPTER - III

SELF GOVERNANCE AND IMPACT OF GLOBALIZATION ON MALANA

Two broad international trends have dominated the last quarter of the 20th Century and the initial years of the 21st: Globalization and Democratization. Although both globalization and democratization have long and complex histories. These two trends have been interrelated and, for the most part, mutually reinforcing. That is to say, globalization has fostered democratization and democratization has fostered globalization. Yet while the impact of globalization on democracy has been largely positive until now, this will not necessarily be the case in the future. As the new century unfolds, globalization may come to pose a threat to democracy and set of difficult dilemmas for Malaneese.¹

Civil participation in the government's activities and decision-making process is a crucial component of democratic theory and practice. This component gains particular importance in regard to local authorities, and namely self-governance bodies. It could be said that civil participation is a cornerstone of self-governance. World practice is familiar with various mechanisms of civil participation and engagement at a legislative level, as well as in both traditions and civic culture. The effectiveness of self-governance bodies is to a great extent dependent on the proper functioning of these mechanisms.² Self-government can only be maintained by the self-governed, and consists of self-regulation of their behavior and passions. This moral constraint strengthens individual character and benefits society as a whole. True virtue disdains prejudice and discrimination, confirming that, "all men are created equal".³ It embraces acts of good will, patience, tolerance, kindness, respect, humility, gratitude, courage, honor, industry, honesty,

¹ www.montana10.com/index_files/Pages598.htm
³ www.muse.jhu.edu/journals/jod/summary/v013/13.3plattner02.html
chastity and fidelity. These precepts serve as the foundation for individual and societal governance. Public virtue, or society’s goodness, may be measured then by totaling the virtuous characteristics of its individual citizens.

Malana is a unique place. It was said by Dila Ram Shabab that, “There is something mysterious about this remote little human settlement, for they do not themselves know whence and where they come from. They try to keep themselves aloof from the neighbors across the mountains and are either ignorant or in capable of giving their identification to the outsiders. The formidable mountain inhabitants have been able to keep their curious social, cultural and religious customs intact ever since they are said to have settled on this remote plateau.”

Malana has, over the centuries, preserved its individuality and isolation, uncorrupted by any outside influence. They have their own dialect, customs, traditions, rituals, and unique system of self governance. They had not only devotedly work to maintain the integrity and uniqueness of their self governance but also uncorrupted by any outside influence. The self governing system of Malana is the base of their society.

On the self governance system of Malana, Lal Chand Prarthi remarks that, “Malana’s democratic system is initiated by Jamadagni Rishi in the Rig-Veda period and such a system is not found prevailing in any part of the world”. The self governing system of Malana is a product of history and result of evolution and this practice kept on working, respected and followed well from generation to generation.

Even today with full devotion and is being practiced with full conviction. The Malaneese community has evolved the most outstanding and interesting system of governance and this unique and uncanny

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system prevailing in this village arouse curiosity in one’s mind about it. Malana has, over the centuries, preserved its individuality, customs, tradition, isolation and unique system of governance, uncorrupted by any outside influences. The Malaneese have infallible and undoubted faith in their customs, traditions and rituals. They not only devotedly work to maintain their tradition but also firmly repel intrusion of any kind into the age-old systems, which they have evolved since time immemorial.

Legislature of Malana village is called the Koram which consists of Jamlu Devta and Village Council. Jamlu Devta the spiritual head has a decisive role to play in the administration of Malana village. All the citizens of the village, low & high obeyed him always, and village is governed by him through Council which consists of several sub-groups. There members are partly permanent and partly elected on a principle which attempts to give fair representation to various sections of the village, geographical or otherwise. The village has two categories of functional organizations: (A) The Village Council, the judicial and administrative set up, and (B) Bari, the body of the functionaries and other workers. The Village Council consists of two assemblies (1) Jaishthang or Riggin Nashing (the upper house) and (2) Kora Nashing or Kanishthang (the lower house).

In order to be elected as a member of the Jaishthang or Riggin Nashing either permanent or temporary, a person must be married and free from any physical deformity. There is no age bar for becoming the member of Jaishthang, however, normally; the mature and experienced people of the village are preferred. It is pertinent to mention here that women and scheduled castes are not allowed to be the member of this house.

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7 Kumar, Krishan, Op. Cit., p. 137.
Table 1.3: Composition of Self-Governing System of Malana Village

MALANA VILLAGE

JAMLU DEVTA

KORAM / VILLAGE COUNCIL

JAISHTHANG /
RIGGIN NASHING
(the upper house)

KOR / KANISHTHANG /
KORA NASHING
(the lower house)

MUDIYA
(GOOR+PUJIYARA+ KARMISHTH)

8 JATHERE /
JAISHTHA
Riggin Nasting is a body composed of eleven members which may again be divided into two sections: (1) Mudiya (the permanent council) the body of three hereditary members, holding hereditary office with lifelong membership. The three permanent members include the Karmishth (the kardar), the Pujyara (the priest) and the Goor (the mouth piece of Jamlu Devta). (2) The other eight members of Riggin Nashing, are chosen for one year and each one is called Jathere/Jaishtha. They are elected from eight clans or chhudi of the village. For the purpose of formation of various groups and sub-groups of the Council, the village has been organized in various ways with each section being given a responsibility of its own. The village is geographically divided into two parts (1) Saura Behad and (2) Dhara Behad. The whole population of the village consists of eight exogamous ethnic groups or clans. Saura Behad has three (1) Yots Behad’u (2) Nagwani, and (3) Thostwan’hi clan.

Dhara Behad consist of five ethnic groups (1) Thamiani (2) Shillu (3) Bairigeez (4) Puchhani and (5) Dharani. The old gazetteer records about the organization of the village in the manner, “The all – important kanet section of the village is organized into eight patrilineal clans which are the exogamous units of marriage. Three of the clans have hereditary rights to the three key offices in the society and accorded special respect for this reason. But apart from this, all the clans intermingle quite freely and consider themselves equal”.  

The chief officials of Jamlu, the uppermost section of the Riggin viz. Goor, Pujyari and Karmishth are chosen under this traditional social set up, each being chosen from a predetermined Khandan (clan). This body of the three permanent members, including their juniors, is called Mudiya (Mundie in Colin Rosser). The offices of the Pujyara, the Karmishth and the Goor are filled on the basis of specific clan principles.

The Karmishth is selected from Thamyani clan. His office is hereditary and is chosen for life. With regard to the method of selection, Howell notes that the dead Karmishth's son is taken by the Ra-deo to the council platform. Two or three men bring two or three stalks of barley, and give them to the Goor and he puts them in the Karmishth's son's pagri. There is no other ceremony. The Karmishth is considered as the manager of the Devta like kardars of other Devtas in Kullu. 

The Narender also tells that Jamlu, after talking over the reign of Malana from Banasur, appointed Sunni Bhotli, a lady, as the first Karmishts, which office was formerly held by Banasur himself. In the view of the deity she was intelligent and suitable for the office in which capacity she worked for twelve years. As her name suggests she belongs to Bhot community. She had to abdicate the office because she intended to get married. She is perhaps the only woman official known in the history of Malana. There is a Goddess named Bhotanti, a name akin to Bhotli, in Naggar having a temple of her own, she also attends the Dussehra festival. Bhotanti Devi has temples and places in some other villages in Kullu. Sunni Bhotli is a legendary name and is popular through the folk songs in Lahul, Chamba and Pangi. Nothing can be said about her relationship with her namesake in Malana.

Karmishth is considered as the manager of the Devta after being elected, the Karmishth also goes through an ordeal which means that his previous life ends from now and he is believed to take a new birth to work for the welfare of Malaneese community. He takes an oath on the Chauntra in the name of Jamlu Devta and also serves a community feast. His main duties are the management of the land owned by Jamlu and all affairs connected with the God's treasury. He also conducts service, brings water, presides at the assembly, collects revenue, conducts cases and gathers the jesthas together. Colin Rosser notes

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9 Ibid., p. 69.
10 Ibid., p. 82.
11 Kumar, Krishan, Op. Cit., pp 139-140.
that, "Karmishth is responsible to the Council for all the accounts, although he is not recognized as the Chairman of the Council; he seems to act in this capacity". The Karmishth appoint their assistants from amongst the Kor members of the respective clans, who assist them in their work. The assistant of the Karmishth is called the Fak Karmishth. They are responsible for the work only to their seniors. They remain in office till they enjoy the pleasure of the appointing authority.

The Pujyari is also called Fehag/Bada Pujyari. The elder pujyari is elected from nagwani clan. Howell suggests that the method of selection of pujari is the same as that of goor. Collin Rosser says that the senior pujari, after his election, has to undergo a test. He is placed in a pit which is covered with wooden planks and earth is strewn over it and a plough is run. Then a seed of sarson (mustard) is thrown in it. This process remains for several hours and the music of the Devta is played continuously. He is brought out at a fixed time. Then he is carried on the shoulder in a procession up to the seat of the God. Here he bows down. He is offered a pagri ( turban) on behalf of the God and then he is taken at the chauntra (platform) and is made to take a vow. The pujyari is a permanent member of the house and can remain in office till his life. However, if the members of concerned clan feel that he is not capable, or he himself refuses to take up the hereditary position, then one of his sons, if eligible is elected to this post, otherwise some one other from the clan is elected. If a pujyara dies, resigns or removed then an election is held the next day. Unanimous election is preferred, however, if there are more candidates in fray, then respective clan members vote to elect the most competent person. This method of election, in kanashi is called bindna. The pujyari appoint their assistants from amongst the Kor members of the respective clans, who assist him in his work. The assistant of the pujyari is called the Fak Pujyara. Surjan is working as

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pujyari since July 2005. The selection of the Goor is done by the Jamlu Devta Himself from either the dharaning or the puchaning clans. According to the people of Malana, when Jamlu Devta wishes to choose a new goor, he indicates this will by producing a new natural water spring in the sacred area Joanaa or Thaangshur. Presently the office of the goor is lying vacant since 1982. Goor is the mouthpiece of the God who speaks and expresses his thoughts and wishes. The people pose questions (pooch) and place their problems before the God (the Goor) who duly answers and shows the ways for allaying their worries. Among all the officials his life is more disciplined. He maintains long hairs without cutting throughout his life and has to wear a special dress, a woolen gown with a waistband.

The three officials viz Kardar, Karmisth and Goor lead a purer life and shun tobacco, cigarette, etc. completely. Rose notes that the Kardar and Goor do not plough land, do no smoke tobacco, and must not remain near any corpse even if the corpse is one of the family. They will avoid sutak-patak (involvement in the rites of birth and death) and touching certain class of persons. Of these three, Goor and Pujyari are more closely associated with Jamlu, and their function is sacred and spiritual in nature. Besides this the three also part and parcel of the judicial and administrative body, i.e., the village council.

The eight temporary members, called the Jathere, Jaistha (elders), are elected, one from each clan of Malana village by the members of the Kor of concerned clan. The eight clans are further politically organized into four chugs (divisions) viz Thamyani, Dharani, Puchhani and Salwar. Each chug consists of two clans.

The chugs select the eight jathere, the second group of the village council, each members is called jathere, jestus or jestha. All the eight members are equal in status and work collectively as a single unit. They

come and go together. They are exclusively devoted to the administrative and judicial functions. The eight jathere are elected from among the members of Kora, two members from each of the four chugs, according to democratic principles. The old gazetteer notes that they appoint a council of eight jathere, or jurymen, who decide all disputes which arise among the people of Malana. Their decision is never questioned and “our courts are never troubled with cases from the village”. Constitution of the council with Jamlu as the spiritual head makes the whole organization a little complex and unique. Out of the eleven members of the Jaishthang/Riggin Nashing the three ex officio are permanent. However, two members, the karmisht and the pujyara can be removed from the office by the koram, through no confidence notice, if they fail to deliver according to the interest of the Malaneese, or are incapable of discharging their duties because of serious illness or permanent physical disability. The Goor is however, removed by the Devta Jamlu only in case of sever physically deformity, blindness, leprosy, madness etc. The remaining eight Jaistha remain in office normally for two years. The tenure can be extended for one year if the working of the jaishtha according to the members of the mundie and the kor is extraordinarily well. The body of eight jaishtha can be removed even before the completion of the normal tenure. If any of the permanent or the temporary member of the jaishthang resigns, dies or is removed then the entire body of the jaishtha is dissolved and fresh elections are ordered. However, the remaining permanent members continue to hold office and discharge their responsibilities. If the resignation, given either by one jaishtha or all the jaishtha, is accepted unanimously by the koram then the members of the jaishtha jump down the chauntra, which means they have resigned from the office. If any member of the kor or the mundie feel the body of eight jaishthang is not working properly in the interest of the people of Malana village then he expresses his concern about it and moves a motion of no confidence against either the individual jaishtha or against the entire body of eight members. The
member who intends to bring such motion requests one of the mundie members to summon the meeting of the koram. If no confidence motion is passed in the kor then the decision is communicated to the jaishthang. The head of the koram asks the jaishtha against whom the no confidence motion is passed in kor to explain and justify his position & if he fails to convince, then the entire body of eight jaishtha is removed from the office even if the motion was against the individual jaishtha. It resembles the modern parliamentary form of government in which cabinet also works on such principle.

The members of the jaishthang are granted certain privileges for holding the high offices in the upper house of the koram. There is a provision to give some land of Jamlu Devta to the three permanent members for their maintenance. During the community feast or any other functions in the village the members of the mundie are always served first, even at their home, no family member can take food unless they are served. The other eight member of the jaishthang being the elected representative of their respective clans, enjoy a place of respect in their own clans. The number and time of sessions in a year and the time is not fixed. However whenever deemed necessary the session of the jaishthang is held. It is required that all the members should attend the session.

The congregation of the representatives of the people, is named as Kor, Kora Nashing (circle or sitting in the circle), or Kanishthang (the lower house). It constitutes the eldest male representative from each family of the village which number around two hundred and are entitled to vote and are called chhakar (voters). The villager who is not member of the kora is known is hood. It is a permanent house. In the words of Colin Rosser, “Only the head of a household allowed to vote”. The principle is one vote per house.

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Women have no vote, and in fact may not be present at an election. The low caste lohars may be present – they sit apart but ..... have no vote.\textsuperscript{19} The token membership for admission is one rupee per member. Membership is said to be open for volunteers also by paying the usual admission fee. Then the members takes the oath in name of the Devta before the jaishthang that they will sincerely follow the rules and regulations and will remain faithful to both the Devta as well as the Malaneese community. Kora is the broad ground level bare organization of the village council. On the event of any of its regular member vacating his seat, the next eligible member of the same family is admitted immediately. Kor works in coordination with the upper assembly and also keeps constant watch ever the constitution of the body and steps in for repartition immediately as soon as it observes any deficiency in it. It maintains the upper assembly in constant working order. The head of the jaishthang presides and conducts the meeting of the both the houses. The members of the koram elect its head from amongst the three permanent members of the jaishthang. The member who is capable, experienced, senior most and knowledgeable is preferred. He may be removed from his office by a resolution passed by a majority of the members the koram. The head exercise ultimate supervision and control over the koram and executes its orders. As on extreme measure the head with the members of the jaishthang can get the unruly members removed from the koram through the pogaldar. The people of Malana village elect four policemen, which are generally called the pogaldar. They also act as the marshals of the koram.

The Council is the secular government of the village, enacting laws, organizing and controlling communal work such as the repairing of a path or water – mill. Council also acts as Jamlu Devta ‘vestry’, deciding on what expenditure should be made from the treasury, supervising the God’s land and tenants, arranging for new instruments

for the band or the re-building of the temple and so forth and finally it acts as the village court to settle disputes. All the sittings of the two houses, i.e. the Jaishthang and the Kor, of the koram are held at Harcha or Joanaa. There is a raised platform, called the Chauntra/Janhag, made of large stone. The members of the Jaishthang sit on the chauntra and the members of the kor occupy the place on the ground before the chauntra. All the adult males present in the village are required to assemble on the patch of ground before the platform. Although council has a superior position it cannot act on important matters without the consent of kor. The eight elders survey the assembly to see who is absent, from their respective chug. If anyone is absent, a messenger will be sent to his house to call him. The attendance of the members of the kor at each meeting of the council is therefore considered compulsory and strong action in addition to those formal fines is taken against any member who consistently neglects this duty. Anyone who has not attended willfully, is fined, three paisa if he comes immediately, one anna if he comes within a short time, and two annas if he fails to come altogether, according to some old custom. Therefore, all discussions and decisions take place in full public hearing of the Malaneese community.

The head / chairman commence the proceedings of the Koram (village council) in the name of Jamlu Devta. He puts forward the matter of discussion before the two houses of the koram in a joint session. All discussions and decision take place in full public hearing of the community. The people present their listens to the argument and hear how a decision has been reached and if any decision comes then it was shared with the male adults of the village and seeks their opinion. Thus, the issues are discussed not only in both the houses but also subjected to referendum, which is restricted only to the male adults. As soon as the council has come to a decision, one of the permanent members and one of the eight jaishtha leave the chauntra (platform) and squat before the assembled villagers. They announce the decision and call for
opinions. If the majority of the public approve then the decision becomes final and binded upon all the people of Malana village and if there is a strong opinion in opposition to the decision of the council, then the two council members return to the platform and there the decision begins all over again. Then the jaishtha comes with amended decision and the same procedure is followed all over again. The jaishthang takes up the matter until the decision is approved by the maximum majority of the kor members. This shows that opinion of every person matters in the proceedings of village council. The decision is announced in the name of Jamlu Devta. The koram, which consists of two houses – the Jaishthang and the Kor is a multi-functional body which performs the legislative, executive, financial, religious and judicial functions. The koram legislates the rule and jaishthang with the consent of the kor passes the bill and resolutions. The jaishthang runs the village administration and executes the plans and programmes of the village government & make various appointment such as eight Jaishth, members of the Kor, Pogaldar, Kothiadi, Bari and Birshu. All the financial bills are introduced in the jaishthang and passed only with the consent of the kor. The koram also acts as a lower court of justice. When a religious matter heeds consideration, the koram meeting is called upon and after the consent of the Kor, Jaishthang finalizes the programme regarding religious matters and ceremonies. Kor acts as a controller, who keeps an eye on every decision taken.

About the functioning of the legal system in the village Harcourt gathered that they settled the disputes in the village before the court of their own and did not make any complaints before the civil authorities.\textsuperscript{20} The Malana village has evolved its own judicial system, which is in practice since times immemorial and except some minor variations the same system exists today.

\textsuperscript{20} Tobdan, Op. Cit., pp. 74-76.
Table 1.4: Composition of Malana Judicial System

MALANA VILLAGE

JAMLU DEVTA
(final authority)

CHHABA
(the second court of appeal)

BADA CHHABA

CHHOTA CHHABA

KORAM /
(the lower court)
This type of participatory courtship is rarely found in villages of India and in most of the cases taken up by the traditional panchayat the decision is the monopoly of the sarpanch who is hand in glove with the panchs. Some scholars on the basis of this participatory court procedure have traced the origin of Malana Hakima to the ancient Greece. The Hakima are not rigid in their decisions and sometime they do revise them in the interest of village after studying the pros and cons. There are a number of cases which are taken up by the village council, like theft, grabbing of land, eloping with another person’s wife etc. etc. Police intervention is not allowed to take place, but if the accused wants to seek the help of police he has to pay a fine of Rs.1,000/- to the village council.

The village has a three tier single integrated judicial system i.e. Koram, Chhaba and third is Devta Jamlu. All the cases of the village Malana are dealt by this judiciary. The method of drawing the council’s attention to a dispute is fixed, simple and formalized. The man with a grievance goes to the platform and draw the attention of the members of jaishthang by lightning a fire in a special fireplace for this purpose. He sits there until at least, one of the members of the council sees the fire and call an immediate meeting of the council. It is duty of the council member to find out what the matter is, if the matter is serious, then an immediate meeting is called upon, and if the matter is not so serious then the meeting arrange for one in a day or so. Village council hears both kind of cases criminal and civil. According to Harcourt the day fixed for the meeting of court, the Jaishthang came together and summon the parties, members of kor and male adults of the village. A call is made which was repeated thrice in one hour to gathered the people and whoever remains absent was fined a cutcha seer of kathoo (buckwheat) and if he did not appear before night, this fine rose to eight dawivas (2 annas) which went to the temple funds.

In the beginning of the proceeding, both the parties i.e. plaintiff and defendant, present their case. Witnesses from both sides are also
summoned to give their witnesses. After listening to both the side jaishthang discuss the case and announce the judgment for approval. If there were any dissentients, arguments then they brought forward to listened to. Kor members are free to raise their voice, if they approve the judgment then it is implemented immediately and if there is any disapproval then the Jaishthang once again review their judgment and makes some amendment according to the recommendations of the kor. Once again the matter was placed before the kor for approval and in case the kor disapprove the judgment then the case is refer to the second court of appeal i.e. chhaba. Similarly, if the deponent or the defendant is not satisfied with the judgment, then they are free to move their case to chhaba.

Chhaba is the second court of appeal and hears appeals in all cases decided by the koram. Chhaba has two benches i.e. Bada Chhaba at Dhara Behar and Chhota Chhaba at Sara Behar. The three clans from Dhara Betar namely Bairigaeze, Dharaning and Shilhu have a hereditary right for the membership of Bada Chhaba. The concerned clan’s members nominate seventy elders for the Bada Chhaba and they are only the male heads of each household of these clans. Whereas Teoachbehra clan have a right for the membership of Chhota Chhaba, which consist of fifty elders. The members of Bairigaeze, Dharaning and Shilhu clan, cannot appeal before Bada Chhaba and Teoachbehru clan cannot appeal before Chhota Chhaba where as remaining four clans are eligible to appeal before either Bada Chhaba or the Chhota Chhaba.

Similar procedure of filing the case is followed in both the benches of the chhaba. A man with a grievance either goes to the Chhoti Karongadi (a place where the members of the chhota chaba meet) or the Badi Karongadi (a place where the members of Bada Chhaba meet) or lights a fire in the specific place of platform. On a day of meeting both the parties are called through the pogaldar and after listening to both the sides the decision was made. It is pertinent to mention here that a person can file the case only once, either before the Bada Chhaba or the
Chhota Chhaba. The second court of appeal have no power to reverse the decision given by the lower court i.e. koram. It can only amend the decision slightly or make a compromise between the parties and again if the person is not satisfied with the decision of the Chhaba, then the case is moved to the third and find court of appeal i.e. Jamlu Devta, who is final authority.

According to Rosser, “All matters in the village, Jamlu is the final authority, and if any individual protest against a council’s decision, he can appeal to Jamlu and have the case decided by the God. This is done by an ordeal in which two young goats are used. Pogaldars bring two goats from among the herd and tie them to the two poles before the Narod. It is said that in a civil case, case side supplies a goat. In criminal cases, both goats paid for out of the God’s treasury. The younger karmishth grinds the roots of a local plant called Bachhnag or Vatas Naph, which is poisonous and places in the hind legs of the goats after piercing them. Both parties sit on their knees with heads down touching the ground before. The goat on whose side dies first loses the case.

Presently a slightly different method is followed. The pujyara sprinkles water from a special pot belonging to the God over the back of each goat. Then all wait to see which goat will shiver first. The goat shivering first is held to belong to the loser in the dispute. The council declares the decision of the case. The decision given by the Devta cannot be challenged by any inhabitant of Malana village and is binding on all concerned. The office-bearers/council members themselves are believed to be exposed to special threats in manner of punishment from Devta Jamlu while giving decision they display favoritism to their relatives, willful unfair decision or take bribe. It is believed that they got punished in the form of illness, madness, leprosy, blindness and even death. The decision given by the Devta cannot be challenged by any inhabitant of Malana village and is binding on all concerned. While judicial procedure, regardless of wealth, rank or social status all treated with absolute equality.

21 Ibid., p. 77.
In the judicial system of Malana village, offenses are classified into two categories, those held to be serious and those not so serious. In the meeting of the koram, the jaishthang declares and announces an offense as serious or minor, before the kor and the assembled villagers. Quarrels, assault, property damage and some other cases are assumed minor offenses, while land disputes, murder, rape and theft are considered the serious offenses. The most heinous offense is considered as the theft from the Devta’s bhandar and such cases are always heard immediately and never postponed.\textsuperscript{22}

Generally all cases are settled by a fine which varies from rupees 50 to 2000 only. Any fine over 30rupees is considered a severe punishment and is reserved for the more serious cases. Theft from God’s treasury incurs complete and permanent ostracism, of which exile from the village in a naturally corollary. Colin Rosser asserts, “Any member of the village can be ostracized regardless of whether he hold, an important political or ritual office. The boycott is a strong weapon in the hands of the council, and is greatly feared by the villagers”.\textsuperscript{23} At one time capital sentence was also given. Prarthi tells that earlier death sentences were also awarded in certain cases like theft from Devta’s treasury. It is said that such a person is taken to a particular place over a cliff deep below which flows the gushing torrent. The culprit is wrapped in a blanket, tied with stones and is thrown into the crevice from where he cannot escape nor can be retrieved.\textsuperscript{24}

Today most severe punishment given by the judiciary of Malana is the social boycott or ostracism. Till date people of Malana have full faith in their judicial system. Impartial functioning of the machinery had attracted many aggrieved persons from far off places in Kullu Seeking justice from Jamlu Devta. The system of Judiciary evolved by the people of Malana for centuries before and is still functioning well even today. It carries the commitment and conviction of the people and rests on public sentiment. In order to facilitate them in carrying out their day-to-day,

\textsuperscript{22} Kumar, Krishan, Op. Cit., p. 171.
functioning, may other officials also play an important role in the administration.

Pogaldar = They act as the policemen and they were appointed by Jaishthang, and Jaishthang appoints four pogaldar, one from each chug, for the period of one to three years. The collect information for the council, work as night watchmen, execute the order of the court, identify culprits, carry messages, call the person concerned with a particulars case put up before the council, work like policemen by confiscating the articles from the defaulters, culprits etc. If pogaldar does not work properly then he is either recalled immediately by the public of the concerned chug or dismissed by the jaishthang with the approval of the kor. They receive one rupee from the treasury of the Devta.

Birshu-Ka-Bari or Bari = Four members as Birshu-Ka-Bari or Bari of Birshu were chosen by Jaishthang for period of one year. Birshu act as a caretaker, and they look after the guests or visitors, those who come to Malana. They also assist the body of baris and serve to ignite fires, bring water and serve in cooking the meals in the gatherings in village council. They are given free food during work and five rupees per year.

Bari = There is a group of seventy five families, which are identified permanently from the time immemorial, who select the group of five baris each year. Out of the seventy – five families, five families send five baris, one person from each family for one year. Each family sends the bari by turn and the turn of each family comes offer a period of fifteen years. In this manner all the seventy five families will send a worker each and no family will be left out. This number of seventy five maintained constant. In case a family goes extinct a new one is added from among the rest of the families. In the process of selection of this class of officials the division of the village into behads, clans and chugs are ignored absolutely. The Bari act as the food grain collectors from the areas lying outside the village Malana or deoghars that falls in the territorial and influential jurisdiction of Jamlu Devta. The groups visiting
the villages in kullu were known as bari. Bari is a term emanating from the ancient tradition of Malana.

Gathtiya’nha = Among the five baris, one is chosen as their chief called Gathtiya’nha. At the same time he becomes chief of all the officials including the eleven members of the village council and others. There tenure is one year.

Panihari = Each bari chooses an official designated as panihari as his assistant who also goes on the Kora/Phere for annual round to the deoghars with bari. At Shangchar and at other places panihar is engaged in cleaning of the vessels used for cooking in the mela.

Kothyada = The Jaishthang appoints a body of four Kothyada (storekeeper) for the term of one year. They serve at the sazavrata kothi, the store house for grain. The Kothyada collect the food grain from each house of Malana village once in a year, as the land revenue to the Devta Jamlu, and it is stored in the Devta’s storehouse - Sazavrata Ki Kothi. From here the grains and other essentials items for cooking were used for the visitors coming to the village and in the mela.25

Some of the designation and functions of the officials of the Devtas appear to have come down from the practice existing in the time of the Rajas which may be given as under.

Palsara: He was incharge of the whole civil administration.

Kothiyala: A store-keeper.

Panjauli: He collected supplies for the royal kitchen, like milk, curds, wood etc. Kayath: An accountant.

Jata’I: Messenger and watchman.

Seak: One who distributed the begar or forced labour. In Seraj he was called bhatangroo.

There are certain rules which affect those who come to visit Malana. Visitors are responsible for the crimes of polluting and

trespassing. People are not allowed to enter the holy place, wearing any kind of leathers dress or shoes. Commissions of such offenses are dealt with summarily by imposing the prescribed penalties measured in monetary terms, equivalents of the traditional levies in kind. Lyall mentioned that "European travelers had been mobbed, abused or fined on several occasions for having gone near the temple with boots on". But today laws are more lenient on this issue. These days there are notices of fines displayed at some places. The visitors are welcomed whole heartedly by the villagers. One way to treat a regular stream of visitors who come in fairly large numbers but not as much as in the melas is the method of kheend (distribution of visitors among the families in the village). Where every visitor is treated honorably and every need of there were taken care of. Visitors are required to follow certain norms of behaviors set by the village.

The village is, in a way, a model of ancient Indian system of village self government, except that the part of spiritual element may be found rarely elsewhere. Physically even though their habitat was situated at a remote and in accessible place, the people were much mobile in their traditional way of living and were in constant contact with the surrounding world. On the one hand, we are talking about a remote village and on the other hand, we are taking up the issue of Globalization and the impact of Globalization on Malanese. Globalization is not a new concept. For thousand of year, people and, later corporations have been buying from and selling to each other in lands at great distances, such as through the famed silk road across Central Asia that connected China and Europe during the middle ages. Likewise, for centuries, people and corporations have invested in enterprises in other countries. Policy and technological development of the past few decades have spurred increases in cross-border trade, investment and migration so large that many observers believe the world has entered a qualitatively a new phase in its economic development.

In the first place as the word’s root suggests, globalization refers to processes that are worldwide in scope. In this sense, it all started with
Christopher Columbus, for prior to the discovery of the new world there were no truly global developments, at least in the political, social or economic realms. But if globalization is understood solely or primarily in this "planetary" sense, then not just the discoveries and conquest of the early modern era, but the European imperialism of the nineteenth century and the world wars of the twentieth have been among its most potent instruments. The metaphor that best captures this meaning of globalization is that we live in "a Shrinking World" one in which development in any part of the world whether for good or ill are likely to impinge on people living elsewhere, sometimes with starting rapidly. Of course, the shrinking world has given rise to global cooperation as well as global conflict. 26

Throughout, the Malana's village long history, it has always remained fiercely independent from the outside world. Today this is changing with construction of a road up the once remote Malana valley. The road brings with it promises of new opportunities and developments but it also brings the unknown. The villagers came into contact with many people and agencies including various government departments. Such issues as the relationship with the outside societies, construction of road, modern method of construction of the houses etc compelled the villagers to reconsider their archaic views urgently and come face to face with the real situation. The government provided then financial help and assisted in many other ways which was required essentially. There are now several government institutions in the village like school, dispensary, post office etc. There is facility of electricity and mobile telephone service. The privately run mobile service is wonderfully popular among the villagers and people are also taking full advantage of modern technology. Mobile set is an essential item in the pocket of most of the residents of Malana, including girls and women, irrespective of the status of literacy. Television sets occupy the corners of the rooms of many houses and keep the families engaged in the evenings interacting with the outside world. Importance and utility of the modern technology

26 www.muse.edu/journals/jod/summary/vol13/13.3plattner02.html.
can be experienced more intensely in the modern technology can be experienced more intensely in the tough environment of Malana.

The village is coming up with a new look new look. New constructions are going on a fast pace. People have used non-conventional material. They have roofs either of metal sheet or concrete. However, the traditional pattern is maintained as far as the construction of the sacred structures is concerned. Besides, the officials of the Devta, the village administration also fellow the suit.27

There is also an encouraging response of Malaneese towards education. There is one government primary school manned by one teacher Sh. Roshan Lal a resident of Kullu. There are 100 children on roll in this school. The school building also houses an Ayurvedic Dispensary, Panchayat Ghar and also a middle school. There is another middle school headed by Sh. Naresh Patiyal, a science teacher with Sh. Jagpal Shastri Sanskrit teacher and Sh. Jog Raj Rana history teacher. The middle school was established in 1996. The number of students is only 13. Upto the primary school midday meals are provided. Girl’s students are provided free books. So far only two students in the village have managed to reach class 12. An Ayurvedic dispensary was established in the village in 1976, and Malaneese prefer both mode for treatment i.e. Ayurvedic as well as indigenous methods. Postal service is also available in the village. The Malaneese with the passage of time become lenient and now they have started establishing matrimonial alliances with the neighboring villages. While selecting the spouse, they do take care that the person should be earning hand, educated and the wealthy person either of Malana or of outside village. Earlier people of Malana used to throw the ashes of the deceased in Malana torrent, however, now with the modernization; few of people have started consigning the ashes in the Gangas at Haridwar.

It has been observed that life at Malana has begun to change. People are discovering the simple joy of a better working life. They have

been producing some very good quality hashish. Blessed by Lord Shiva, good quality cannabis plant grows in abundance. For ages the use of cannabis has been an integral part of their lives, from medicine to footwear. But in the past they had never traded it; neither did they know the value of it. Their only trade with the outside world had been sheep wool. In the seventies came some white men. They taught the villagers how to rub the cream – the cleaner and more potent hashish suitable for an international market. Those foreigners drew them into business. Malana cream became an international brand. Hashish production grew like a home industry for each household. The poor villagers started earning money and they didn’t know the value of money either. The incursion of political parties also means creation of political polarity among the beautiful people of a peaceful hamlet. With no knowledge or perspective of the outer world, innocent illiterate villagers take sides of political parties and create a divide within.

The Indian government took notice of a hidden backward tribe who as per laws of the state were into criminal activity. The outlaws were to be brought under the rule of our mainstream democracy. Malana became a part of out national electorate, a part of our mainstream administration. Their production of hashish is very restricted now because of police watch. For the poor villagers hashish still remains their only means to earn some money and it’s a very little money not even enough to make their living forget about rebuilding their homes.

However what distinguishes this village in the interior of the Himalayas is its architecture language worship rituals and autonomous administration system. The unique geographical location of Malana has enabled it to preserve its biodiversity and it is an ecological haven. It is well said by some anonymous author that, “Do what you want but don’t lose your culture” and same we hope from Malaneese that they would be able to preserve their identity.

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