



Traditional Knowledge and Village Council of Soliga and JenuKuruba Tribes

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Law is one aspect of the system of social control which is an implicit part of every culture. Social control consists of all those practices engaged by the members of a society to reward and encourage culturally approved behaviour and to penalize and discourage culturally disapproved behaviour. Law is a part of the norm selecting and norm maintaining system relied upon by each society in itself-organization. In every society, some individuals tend to deviate from normal social order. For a society to exist and function normally there must be some conformity among its members. In most societies, the people conforms the societal behaviour through internalization, or through learning of norms and values. But sometimes, people do not want to conform to the norms and values of their society. Every culture must have structural provisions for resolving conflicts of interest in an orderly fashion and for preventing conflicts from escalating into disruptive confrontations. This is when legal realm of the custom comes into action as customary laws. The tribal people live in the villages. The concept of the village as the administrative social, cultural and development

unit is built into the traditional tribal polity. The Soliga tribal people of had developed their own polity. However, their polity did not grow beyond their village. They did not develop into tribe-level polity formation. Therefore, the village is the autonomous political, social, economic and cultural unit. The political life of the Soliga tribe reflects a paradoxical situation in which democracy and monarchy co-exist. Every head of a community at different levels like clan, village and territory is generally honoured, obeyed and accepted as the head of the group. His office is hereditary. The supreme and final authority is in the hands of a single person. Every tribal has a share in the political ties of the village and the region. It exists for the majority; it is born of it and embodies it. The tribal leader governs the community only because he is backed by the majority or the whole of the group Naga village state is an independent unit and accordingly enjoys the right of sovereignty. Every village-state pursues an independent foreign policy and implements its own customary laws on all walks if its citizens. Every village state has its own defence system. Administration is indigenous and independent.

Every village possesses a well-defined area of territory, not only of wet cultivated land, but of waste land as well. The boundary lines can be ascertained with either natural or with stones to indicate the actual line of control. Soliga community found in the village is a compact and well-knit society where rigid customs and discipline are observed. Any violation of these brought heavy punishment. The laws of the land are not only to be respected but also to be feared. As the village is an independent unit, the customary laws are supreme and dispensation of punishment is quick. The Soliga settlement is known as Podu. It is also understood that Podu is a clearing on the slope of a hill with a water source nearby. The social organization of the Soligas is based on the natural factors surrounding the settlements such as water sources, hill-ridge, or bamboo groves. A Podu has a

number of huts. Normally the social structure of a tribal society is virtually homogenous, non-hierarchical, segmentary, kin-based and relatively closed as social solidarity, cohesion, and egalitarianism constitute the hallmark of tribal society. A tribal social structure is elementary in nature; individuals are grouped according to kin or clan. The largest significant reference group is the tribe or a segment of it, the sub-tribe; which is endogamous. Such a social unit is segmented into a number of homogenous exogamous totemic clans. It is a significant tribal practice. It avoids consanguinity and keeps the population genetically healthy.

The Soligas are divided into a number of exogamous sects or clans called Kulas. The clans are guided by the principle of patrilineal descent.¹⁰ At different areas the number of Kulas followed by a division vary so that some follow five kula, others seven kula, and still some others follow twelve Kula.¹¹ Those who follow five kula are locally known as EiduKuladavaru. The names of the traditional five clans are Teneru, Haleru, Shalikiru, Belloru, and SuraruorSuriyaru. There are lineages called Gumpu in each clan. The depth of each lineage among the Soligas generally exists for three or four generations. Members of the lineage trace their descent through their immediate ancestor. If at a point of time some members become conspicuous, they will be remembered and not the remote ancestors. The elders assert that there are no hierarchies between Kulas as it is the functional mode of allocating responsibilities for better administration. By members of twelve Kula Class, everything is done by twelve for example, on the twelfth day after a child's birth, twelve elders are invited to the house to bless the child. At a marriage, twelve of the bridegroom's relatives go and fetch the bride and the wedding pandal has twelve posts. The parents of the groom pay twelve rupees to the bride's father and a tali is tied round the bride's neck. In case of death, the body is borne on a stretcher made of twelve bamboos and mourning lasts for twelve days.

There is a strong sense of kinship among the Soligas. From the past few centuries, the Soligas have been following their own system of rendering justice which they have preserved till the present day. The judicial system is held in high esteem by them and is an important aspect of their culture. Tricky problems are solved in a dignified manner. The unique feature in this system is compassion for the culprit without lowering the standards of justice.¹⁴ There was a judicial council of the Soligas known as the Kula Panchayat. There were hereditary office bearers such as the Yajamana the headman, Kolkaror the messenger, and Chalevadior the assistant. They dealt with cases of theft, adultery and disputes, and fine or social boycott was imposed on the offenders. The Council provided justice to its members according to the accepted tribal code. The Nyayasabha is the congregation of the people. There are certain clans associated with these offices. For example, the Yajamana the headman is invariably selected from the Chalikeru and Haleruclans. The Pattegar belongs to the Teneruclan, the Kolkar from the Belleru clan, and the Chalavadi from the Suraru clan. All differences are settled in their NyayaPanchayat (Court of Justice) amicably and with due regard to the age, economic, and other considerations of the people involved.¹⁶ It may be worthy of observation that not a single dispute has ever gone to the police or been settled outside their community. Nowadays, the families carry the titles of these offices, but the functionaries are not effective. Exposures to external socio-cultural changes have altered the traditional authority structure. The Soliga traditional council (Kula panchayat) is not so effective now instead, they have established an association at the village and taluk levels. It is also due to the modern practices involving law courts and police stations.

The Soligas do not believe in joint families. They prefer nuclear families. Father is the head of the family but mother also enjoys respect. Father's decision in social,

religious and economic matters of the family are considered as final. Though eldest son is considered as a responsible person after his father, all other children are treated equally. Property is divided equally amongst the males and females. After marriage, a man establishes a separate household, but retains contacts with the natal family. The most elementary type of family consists of a man, his wife and his unmarried children, but a few cases of extended families were also observed. The extended family consists of parents with their married sons and other relatives. When a girl attains puberty, she occupies a separate hut called Kullu put up near the dwelling unit. The girl is made to stay in the hut for nine to sixteen days after which she returns home. She is given a ceremonial bath. Before few decades, the girl occupied the hut for seven to thirty days. The maternal uncle should present her with a new cloth, bangles, betel leaves, areca nuts and plantain fruits. The Soliga marriage system is simple. There is nothing mechanical or routine in a Soliga marriage. The Soligas of the study area have the following types of connubial relationships, namely, arranged marriage, marriage by elopement or Love Marriage, Kudavali marriage and marriage by services. Among all these love marriages (elopement marriage) and arranged marriages are more preferred by the Soligas, and the other two types of marriages are also observed but the numbers remain small. Polygamy is practised and polyandry is unknown. Generally, the Soligas marry when they are adults and in case of arranged marriages, the alliances are arranged through negotiation. In arranged marriages, the boy's parents initiate the proposal, then the elderly relatives of the boy visit the girl's house and if the girl's parents agree, a date is fixed for the wedding. The symbols of a married woman are a pendant and toe-rings. Generally marriage takes place in the groom's house. A day before the marriage ceremony, a marriage poles are erected. They set up a shed with twelve pillars. The girl's party comes to the boy's village on the previous day of marriage where separate arrangements are made for them to stay.

The same night, two rituals called KaluguruShastra and Bale Shastra are performed. In the former one, the village barber clips the nails of the bride and the groom while in the latter the bride is made to wear a few glass bangles in each forearm. Next morning, KankaraShastra ceremony is performed in which turmeric rhizome having five knots known as EiduSuli is tied with a twined string applied with turmeric paste. The earthen pitchers are supplied by the potter while the washerman supplies the clothes. They are rewarded for their services. A temple priest supplies sandal paste and receives money for his services. The tali or marriage badge is tied by the bridegroom inside the shed accompanied by music and festivities. Both sit side by side and one puts his or her palm on that of the other while the parents of the bride pour milk and water on the hands of the bridal pair. Then the rice coloured with turmeric is thrown over the couple. The celebration lasts for three days. The maternal uncle, if he can afford it, presents a new cloth to the bride and a feast is held. The nuptial ceremony takes place in the groom's house. Bride-price is given after the ceremony. The relatives offer presents to the couple. In some places, the boy sits outside the pandal after the marriage whereas the girl goes inside. This is followed by a simple ceremony in which a small metal plate filled with jaggery, tobacco, betal leaves, betal nuts, etc., is worshipped and handed over to the five members belonging to the five kulas along with some money. The groom dines only after this function. Marriage by elopement takes place when a young boy and girl fall in love with each other and elope to a distant Podu where they are provided with food and water. They are then brought back to their native Podu where an inquiry is held and a fine is levied. Sometimes it is also considered as a bride-price. The union is regularised once a feast was given and on the same day, the husband ties a tali (marriage badge) around her neck. In Kuduvali type of marriage, the families of both the boy and girl and even the clan allow the boy and the girl to live together. On a fixed day,

the boy's parents along with the leaders of the tribal council visit the girl's family to discuss the matter. If everyone agrees then the wedding is arranged in which a small ritual takes place with the help of the tribal council. The wedding pandal has twelve posts. The parents of the bridegroom have to pay twelve rupees to the bride's father. After the knot is tied, the fathers of both the boy and the girl hand over money to each other as a mark of agreement. After that both the families pray to their family God and Goddess, Veeru (Hero) and ancestors to ensure a trouble free life for them. After the wedding, both the families are required to give money to the tribal council or the Clan. The next day the bride would be sent off along with her groom by her family. In marriage by services, the boy had to go and stay in the girl's family and had to work for a minimum of five years to a maximum of twelve years. If the girl's parents were impressed with the work efficiency of the boy and were satisfied, a small marriage ritual was arranged on the fixed day by exchanging the betel leaves and money. This ceremony was attended by the Yajamana and the other four tribal council members and the people of all the five Clans. A small marriage feast was organised for the members of the tribal council and sometimes for the people of the Podu. Nowadays, this type of marriage is almost non-existent. Remarriage is allowed for widows, widowers and divorcees. Widow re-marriage is allowed only when the lady is young and willing to marry. She has to choose her spouse from a family which is other than her deceased husband's relatives. A widower is allowed to marry his deceased wife's younger sister. Marriage between mother's brother's daughter, father's sister's daughter, and sister's daughter is not found among the Soligas. There are no forced marriages. The property of a deceased person is divided equally among the sons, and the eldest son succeeds to his father's authority. In recent years they are becoming more inclined towards arranged marriages as they try to imitate other communities. Media, marketing, and interaction with outside communities is

making them adopt non-tribal cultural aspects of marriage. The marriage system is slowly changing among the Soligas.

Village council of JenuKuruba Tribe

Kuruba group which derive their name from Jenu or honey which they used to collect from the forest. In the Kannada language, the term “jenu” refers to honey and “kuruba” stands for caste. Jenukuruba tribes of Karnataka are the original residents of the forests regions of the Western Ghats and also other places of south India. The people adopted the “honey gathering” as the chief profession. They are concentrated in the kodagu, Mysore and some areas of Chamarajanagar districts of Karnataka. They inhabit a plateau area, which characterized by moderate climate, low humidity, thin forest and medium rainfall.

JenuKuruba Tribal council which governed the socio – political affairs of the community was called as Haadi. A headman called Yajamana presided over the council, and was assisted by another person. The headman consulted the members of the council before passing the judgement. JenuKuruba being very sensitive people considered even small matters for breach of community law. Hence small and big matters relating to festivals, like while eating if a grain of rice falls on the others eating leaf, while pouring toddy if it spills on the floor, without the consent of the wife husband remarrying, prostitution, not leading worship of the diety, not joining in group dance, not following the order of the houses or colony while collecting the leftover food, disobeying the headman to play the flute in the authorized places were discussed at the council¹⁸. The punishment varied from imposing fine to the extent possible to excommunication. Now this council is called as Panchayiti. Crime can be a private or a public affair. So long as the matter is settled within the family or families involved it remains a private affair. Once the

matter is reported to the village council, it becomes a public affair, crime does not become one in the act itself but in the knowledge or the awareness of it. The village council will now have the full authority to settle the matter and pass judgment. The council then, tries the case and judgment is given accordingly. The quality is punished according to the gravity of the crime. One does not find capital punishment in JenuKuruba society. The biggest punishment that is given to a person is banishment from the village followed by excommunication, punishment is the action taken by society against one who has transgressed its laws. The exercise of justice by the village council against an individual who is obnoxious to it or to any of its members is based primarily on the feeling of reforming the guilty and warning the others. Therefore, the criminal must suffer, must expiate his crime, whatever other notions may in time enter into the idea of punishment. Adultery is a serious crime. It is having sexual relation between a married woman and somebody who is not her husband. This may also include elopement of married women with a person who is not her husband. JenuKurubas strictly follow clan exogamy. Clan endogamy is not only a crime, but also a sin. The persons so involved have no place in the society. The following penalties will be borne by the couple. They cannot join in any hunting or fishing expedition of the village. One piece of clothing each of them will be burnt as an act of sanctification.

JenuKurubas reserve a high place for chastity. In case of pre-marital sex, a pig will be fined for the whole village. If the woman is pregnant, the father will decide for the child. If the child is taken after maturity, the father will pay a fine of one cow to the mother and money or whatever the mothers of the child ask for. The woman will be considered married. She will no longer attend female dormitory of the unmarried women but will now be a part of dormitory of married woman. There

are certain villages which consider such women as unmarried. The man will have no difference.

The village chief enjoyed enormous powers. He was considered as the supreme authority in almost all affairs of the village. He was responsible for administration of his village and for the welfare of his subjects. A village council composed of the elders of the village assisted the chief of the village. The administration of justice, enforcement of executive function, maintenance of social practices and customary laws including performing religious rites were the areas under the institution of powerful chieftainship. The chief executed all legal functions and exercised his power as the highest authority in the village. In traditional society, no written documents were required but his verbal declaration based on customary laws was taken as final and binding. The Chief settled the village disputes, no doubt the village council of elders assisted him. He settled the disputes according to traditional customary laws. Penalty was imposed according to the gravity of the offences by him. In some village the chief had a dual function as the religious and secular head of the village. As the religious head, the chief was the first man to sow seeds, the first to plant and the first to harvest. Although the actual religious worships and sacrifices etc. Were performed by the village priest, yet his presence in any religious ceremony was taken as essential. The executive functions of the chief were greater in number than the religious functions. Some of the important functions were: He was responsible for the effective defence of the village, allotment of lands for cultivation among the villagers, settlement of disputes with other neighbouring villages, etc. The whole village affair remained under the control and command of the village chief. The overall administration of the JenuKuruba villages was run by a hereditary chief in consultation with council of elders. Unlike the Yajamana who had a strong chieftainship system, the chief had

relatively limited powers and while exercising his powers the village chief was checked by the council of elders.

The village council is the highest decision making body and seat of authority of the village. It consists of devoted elders and is chaired by the elder who hosts the council. The council is also the village court. There is no matter that cannot deal with by the council. The decision of the council is all binding and also is honoured by the state authority or government. The decisions and practices of the council become the customary laws or precedence to be followed. The council is also competent to make rules or orders relating to any matters or issues in the interest of the villagers. For the membership of the village the size of the village was to be taken into consideration. There was proportional representation from all the clans. The composition of member powers and functions of the council varied from village to village. But the basic structure remained more or less the same and uniform. The village council possessed administrative powers of the village. The village council was a legislative organ of the village. General administration and formation of policies were by council. The council preserved cultural, customary and conventional laws. It had power to amend customary laws and incorporate new laws. The village council was the most powerful executive body in the village administration.

The decision of the council on all important matters was binding and final. It maintained inter-village relations. The council members were the sole authority to enforce customary law and amend the unwritten customary laws which they followed. The council members commanded villagers in their village jurisdiction, executed orders, took action against any village for violation of the order. The council was responsible for maintaining peace, harmony and unity of the village. The village council administered justice, allocated land for cultivation, decided the

time for annual festivals, sacrifices and generally, directed all the villages activities-social, religious and economic accordingly, to their traditional laws and customs. It had a supreme defence power concerning hunting, fishing, etc. The village council also dealt with the financial matters within the village. Rents of a village were to be paid in kinds, by collecting paddy from every household. Paddy in lieu of money or money in lieu of services were to be collected from the villagers. Also, any fine imposed on an individual was to be reserved for the council's fund.

The functions of village council were more of executive and judiciary and less of legislative. There was seldom need of amendment of customary laws and more so in respect of legislation. Thus the legislative function of the village council was insignificant and almost unknown to the members of the council. The village council was characterized more by the administration of the village, and council of other villages had no right to interfere with the village administration and against the decision of the concerned village council. All disputes were settled at a meeting consisting of village elders and presided over by the chief. The decision of the meeting was considered to be binding on the parties concerned. There were no appeals against the decision of the village council. As for the village council there was no known limitation of its functions.

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