

Traditional Tribal Jury System (Jamat Panchayat) & Women folk in Melgahat: A Feminist Perspective



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Abstract

In the tribals of Melghat all the social issues and problems are being sort out by the traditional jury system and it is well known as the *Jamat panchayat* but this traditional juri system is governed by the male counterpart therefore in it there is no scope for women and hence it has established the male dominance; the traditional jury system do not like to give membership to its own women folk and therefore it has been difficult to get justice to any women. Though tribal women have constitutional reservation in Panchayat raj although they have been made mere puppet in the hands of tribal men, thus in tribal culture there place has become secondary and subordinate. It seems that tribal women could not select her political leader to fight for their cause, in compare to tribal man; the tribal women could not use her constitutional rights in practical life.

Keywords: Male Dominance, Jamat Panchayat, Tribal Women/Man, Panchayat Raj Secondary Place, etc.

Introduction

Like any other institute politics is one of the second most important governing system which control and discipline the human life. No one society allow man to live free life according to his will, rather every society has imposed some restrictions over the way of life of human being; even in tribal society there are certain rules and regulation which has formulated the ethical values of the tribal. These ethics and moral code of conduct has shape the behavior and custom of tribal people but traditional jury system (*Jamat panchayat*) play a big role while making rule, custom for tribal people and even it control the people and there conduct. In modern time tribal come across to the main stream society therefore it has come under the influence of it and hence it accepted new values and thus some of the traditional tribal values has been changed at certain level. Although importance of the tribal *Jamat panchayat* has not been decreased and it plays the vital role in the lives of tribal people.

In pre-Vedic age women had to play important role in society even they could perform the duties of Yadnya ritules ,even she had the right of education and she could learn and participate in war.All these things clearly indicates that women had respectable position in society. Kaikai, Manthara, Draupadi, Kunti, etc. women played the significant role in politics and they were center point of the politics but in passage of time women had degraded from their position. This degradation happen due to many reasons. Is is conceived that one of the chief reason is that the outsider has invaded the India.¹

In medieval age many social taboos were imposed upon the women due to this the economical and social growth of women had stopped and it created so many obstacles in their political life. Very few aristocratic women have struggled for their political existence and the power :Rani Durgavati, Razia Sultana, Nur jahan, Jijamata, Ahilyabai Holkar, Rani Lakshmibai etc. women are some exceptional royal women who proved their talent in politics but common women have to face lots of problems in their lives.

After independence Indian Constitution came into existence on January 26, 1950. The Costitution gives the special attention at the various provisions for tribal people (tribal) and solely its credit goes to the architect of the Indian Costitution Dr.B.R. Ambedkar .²

B. M .Karahde says, " According to the article 320, 332 of Indian Constitution out of 544, 41 seats are reserve for the schedule tribes

(7.5%). In all Indian legislative Council out of 4072, 530 (13%) seats are reserved for the Schedule tribes.³

In independent India special provision has been made to improve the political status of tribal and dalit women, therefore 73 Constitutional amendment has made according to it in Panchayat raj some seats are reserved for dalit and tribal women. Though these women are unable to take any decision independently. Thus they have become puppet in the hands of their male counterpart. In traditional tribal jury system (jamat panchayat) male dominance is powerful and women have secondary place in this traditional institute which stand for the deliverance of justice.

Research Method

The present research is mainly based on the problems of Dharni and Chikhaldara talukas of the Amravati district. The present region is well known as the Melghat which is a tribal belt in Vidarbha. While conducting research the purposive method is used, the method is a sub part of Non Probability sampling method. In present research the primary and secondary sources has been exploited even descriptive and diagnostic method has used.

Political Life of Tribal and Women

According to some scholars in ancient India women had equal rights in every field of life. Indian grammarian Patanjali, Katyana etc. said that education would be given to women in Vedic age. In Rigveda it is mentioned that women could get married at mature age and even they could choose the husband, in ancient India women had freedom and respectable status in society. But in medieval age so many restrictions were imposed on women.

In medieval age the brutal practice of *sati pratha*, child marriage, restriction over widow marriage etc things were part of collective life and later it became the social problem. In Mughal age the *parda pratha*, in Rajput, in Rajasthan *johar pratha* was a popular practice among women. In some part of India *devdasi pratha* and *sati pratha* etc. was a customary thing. But social worker like Raja Ram Mohan Roy, Jyotiba Phule etc. fought against these brutal practices, to improve the status of women in society. In freedom movement against the British Empire, Indian women fought bravely with shoulder to shoulder with the Indian men: Madam Bhikaji Kama, Anne Besant, Pritilata Waddadar, Aruna Asif Ali, Kasturba Gandhi etc. these are some well known names of the Indian women who contributed in freedom movement of India.

In Vedic age grampanchayat had significant place, even in Mahabharata grampanchayat was considered as the important thing even aristocrat would never intervene in the affair of grampanchayat.⁴

Kalokar says, grampanchayat would protect the village. During the period of Chanakya panchayat had very scope and it had tremendous rights. The suggestions and decision of the panchayat would be obliged to people, no one could challenge it. Because it was mandatory to obey the jurisdiction.⁵

The Patel of the village is known as the 'mukhiya'.⁶ In every village there is one Patel. The villagers call the meeting and the local juri (panch) decide the post of patel. A person who is good in behavior and who could understand to people; this type of person is being appointed as the patel of the village. In the 'Arth shastra' of Chanakya, there are references of the word 'gramic' (it means chief of the village). Many problems would be solved by the village panchayat. Quarrels, land dispute, petty crimes and collection of the penalty should be collected by the village panchayat.

In various tribes the village panchayat is known by the various names. Gurunath Nadgunde says, "Son-koli tribe terms the panchayat as 'jamat'. In *toda* tribe they called it 'sabhasad mandal', *Thakur* and *kolam* called it the 'panchayat'. In Madhya Pradesh the kamar tribe identified it as the 'gram panchayat'.⁷ In Chhota Nagpur people called it the 'sthanik grama sabha'. In most of the tribes the 'panchayat' is a well known word. In various tribal societies the panchayat works as a judicial system to control the crimes and injustice. Though the panchayat keep a vigilance eye to inculcate the traditional values of the tribe and it assessed whether people would follow the traditional belief or do they neglect it and thus the traditional rules and custom is being carried out by the panchayat.⁸

In tribal life village panchayat has great importance. If panchayat takes any decision no one villager can go against it. Dhondiram Vadatkar says, "in golla tribe if any man elope with wife of other man; the panchayat punished him for his crime and as a punishment the man has to give the meal to whole village."⁹ The above analysis and discussion proved that the panchayat has great importance in tribal life and it works as a judicial system to control crime and injustice as well as to preserve the traditional tribal values, custom, tradition and ethics. In most of the tribes of Melghat; there are jamat panchayats. Through this research paper the researcher is trying to find out the status of the tribal women in the society.

In Melghat Jamat Panchayat and Tribal Women

In Melghat jamat panchayat has great importance in tribal life and the local system of the village. In Melghat, Patel does all types of works of villagers at free of cost.¹⁰ About the korku tribe Dinkar Umbatkar (2007) says, around 93.33% korku tribe chiefly trust over the village panchayat and among them 81.34% korku wants to resolve all types of quarrels and disputes through the traditional leader of the tribe who is known as the village patel. 10% korku people believes and accept the judgment and decision of the village patel thus they adore the role of village patel.¹¹ The post of Patel is traditional it transfers from generation to generation. In the tribes of Melghat in jamat panchayat 'aada Patel' is the chief of the local panchayat. According to K.B. Nayak (2012), 'the post of Patel is traditional and there is no condition of age. If any Patel died his elder son would be appointed as a Patel of the village and nobody raise objection over the selection of the new Patel.'¹²

The various study shows that in male

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dominant tribes of Melghat there is no provision for the woman Patel.

In villages of Melghat, if the majority of the korku is large then the Patel is selected from the korku tribe. The selection of the Patel is depending on the majority of the tribe. The Patel try his level best to sort out the problems of the tribe even he guides to the tribal people on varied issues related there life, relationship and village. If any Patel could not solved any problem, he should take the help of other Patel of any other village and thus both can take any decision collectively or they solved the problem collectively. While taking any decision the three or five local jury

(panch) give accompany to the Patel, to solve any problem or issues. The decision is given by the local jury panel (panch mandal) and it becomes mandatory to every villager to oblige the decision of the jury. In tribes of Melghat the role of the social leader is being played by the village Patel, senior citizen, or the bhumka. Various studies and research has found that yet no woman has become the village Patel and there is no independence to any woman to in any village jamat panchayat as a community member. The following table no.1 and 2 shows the gender ratio of the member of the jamat panchayat.

Table -1
The Table Indicates The Gender of the Jamat Panchayat Member

Sr.No.	Tribe/priority	Korku	Christen Korku	Nihal	Gond	Bhilla	Total
1	Female	-	-	-	-	-	-
2	Male	456 90.29% 100%	08 0.1% 100%	01 0.1% 100%	29 5.74% 100%	29 2.17% 100%	505 100%
Total		456 90.85%	08 1.85%	01 0.19%	29 5.74%	11 2.17%	505

(The above figures are based on the research of 2009 and 2013)

After studying the table no. 1 it is observed that the total 505 tribal woman answered the questions and 100% women stated that only tribal male have membership of the jamat panchayat. All the tribals (korku Christian, korku, Nihal, Gond, and Bhilla etc.) have given priority to the male. It clearly indicates that only male can be the member of the jamat panchayta and Patel). Having studied the table the conclusion is that in tribes of Melghat ; in every village the jamat panchayat have male dominance and it rejected the right of membership to any woman. The table show the secondary place of tribal woman in politics and the influence of the male dominant culture of the tribal society. In tribal community the tribal leader have to take many responsibilities. If any serious issue raise between two families like dispute

over property, domestics quarrel, extra-marital relation etc. issues are discussed in the jamat panchayat but only male jury can discuss these issues or they can display their notions or decision over the issue. Women do not have any right to exhibit her convictions and her stand to explain her side as a member of the family; even she does not allow to participate in this type of local meetings of the jamat panchayat. Therefore, it has been difficult to any tribal woman to get justice in the court of jamat panchayat and this type of lop-sided attitude of the tribal men shows the insignificant status of tribal women. K. B. Nayak (2012) said that 86.61% tribal families are reluctant to turn up at the meeting of jamat panchayat. The following table no. 2 will show the very rare presence of the tribal woman in jamat panchayat.

Table - 2
Participation of Tribal Woman According to Its Tribe

Sr.no.	Tribe/ participation	Korku	Christian korku	Nihal	Gond	Bhilla	Total
1	Yes	18 81.81% 3.94%	01 4.54% 12.5%	-	02 9.09% 6.89%	01 4.54% 9.09%	22 4.35% 4.35%
2	No	438 90.68% 96.05%	07 1.44% 87.5%	01 0.20% 100%	27 5.59% 93.10%	10 9.09% 0.20%	483 95.64% %
	Total	456 90.29%	08 1.58%	01 10.19%	29 5.74%	11 2.17%	505

(The mention figures are based on the research of 2009-2013)

The above table shows the total 505 tribal women have the answers and among them 95.64% tribal women said they have never turn up at the meeting. Only 4.35% women have given the answer in which they said that they attended the meeting and their percentage is very rare one. Total 95.64% women answered the questions and 90.68% women never attended the jamat panchayat. The 90.68% women are mainly belonged to the korku tribe. The above table proved that the tribal women have insufficient participation in village panchayat

meeting and the tribal man have dominance over the meetings. It means that tribal women yet have no equal right as a woman to be active in political system of the village panchayat.

Male Dominant Jamat Panchayat, It Causes and Methodology:

For varied purposes the jamat panchayat is invited. These motives are given below;

1. If husband-wife quarrel with each other
2. To fix the marriage of any girl or to decide the bridal price

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3. If any issues rise over the dispute of wealth or farm.
4. To fix the widow marriage or to get the divorce
5. If any illicit relation take place between man and woman or if any immoral happen among them.
6. To arrange any religious programs, or to celebrate the festival or fair at the village
7. If anyone elope with a girl and get married.

Through the municipality the new leadership among the tribal is rising though most of the people have tremendous influence of the traditional method of justice. The tribal people have staunch faith over the Patel, bhumaka, or mukhiya etc. If any serious problem take place in their life, they take the help of their tribal leaders. In Melghat where panchayat takes place the occupied land is considered as the temple and the juries are worshipped (panch) as the God of the village. The tribal people arrange the meetings of the panchayat at regular interval. S. L. Raikwar (1992) said that the panchayat meetings are arranged at middle part of the village. K. B. Nayak states that prior to arrange the panchayat meeting, the day is decided two or three days before. On the day of meeting some important personnel meet to the Patel and they request him to attend the meeting. Generally the meeting is fixed during 8:00 a.m. to 10:00 a.m.

Stephen Fuch says, "prior to the meeting; the village chaudhari gives the information of the meeting to all the villagers. The meeting is assembled at the local deity of the village."¹⁴ Before the meeting all the members and dignitaries offer their prayer at the local village deity (Muthava dev). The village Patel sit on the ground and he gives greeting (Ram-ram) to

the villagers. All the villagers occupy the place in circle and they sit there. After resuming the meeting no one could leave in mid way. Then the village mukhiya gives the introduction of the dignitaries and then he tells the purpose of the meeting. The complaint is put forward for the discussion. The village juries check the witness and they listen carefully to both side's. Both the parties listen to the village jury (panch). Having listen the complaint and notions of both the parties, the village jury ruminates over the matter and they take the collective decision to sort out the problem. If they could not reach at the conclusion the meeting is adjourn for a day. Next morning again they arrange the meeting until final judgment the meeting is kept going on. The village mukhiya discussed the matter and ask the decision to juries. One of the juries stand up in the meeting and he declares verdict .The verdict is mandatory to both the parties, and hence the penalty is imposed on the accused. After the final decision, the local liquor is distributed among the juries and villagers. The liquor is bought by the amount of penalty. The penalty is decided by the jury's panel (panch mandal). Hence the meeting is ended.

In the tribes of Melghat, the participation of women is very rare. Because the tribal culture is more male dominant therefore all the decision have been taken by the male members of the village .So these decisions are most of the time are not acceptable to the tribal women.¹⁵ The following table is based on the experience of tribal women who don't agree with traditional verdict of the village pachayat.

Table no.3

The Tribe Wise Percentage of the Women Who Either Agree or Disagree with the Jamat Panchayat Decision

Sr.no	Tribe/Decision	Korku	Christian Korku	Nihal	Gond	Bhilla	Total
1	Agree	386 91.68% 84.64%	-	-	24 5.70% 82.75%	11 2.61% 100%	421 83.36%
2	Disagree	70 93.33% 15.35%	-	-	05 6.66% 17.24%	-	75 14.85%
3	Not applicable	-	08 88.88% 100%	01 11.11% 100%	-	-	09 1.78%
Total		456 90.29%	08 1.85%	01 0.19%	29 5.74%	11 2.17%	505

(Note- the above percentage is based on the research during the year 2009-2013)

The above table no. 3 show the information of the tribal women. Total 505 women gave the answers and 83.36% women are agreed with jamat panchayat decision. 91.68% women are belongs to the korku tribe, 14.85% women are completely disagree with the decision of the jamat panchayat though these women could not reject the decision of the jamat panchayat because they scare they could be boycott or dispel from the tribal community. So these women cannot protest against the decision of the jamat. While doing the survey it is noted that 1.78% were reluctant to express their notions.

The table deals with the status of the tribal women of the Melghat. Most of the women are agree with the decision of the village panchayat. But at heart

they are nervous over the decision of the village panchayat. Due to fear or threat they have to accept the decision of the village panchayat. However, some women are not in favour of the traditional judicial system known as the village panchayat. It shows that some section of the women have realized that the injustice has been done to them.

The tribal women have got the Constitutional reservation in politics. K. B. Nayak (2012) said that these tribal women have become the puppet in the hands of their male dominant society. In the Melghat tribal women are acting as a sarpanch or upsaranch in political sphere but in practical life they have to act in accordance with their husband's desire .Even due to male dominant society tribal women can not select

their leader who could fight for their cause. This right of selection has been deprived by the male dominant

society. The following table no. 4 will show us the real strata of the tribal women.

Table - 4

The Educational Status and Voting Percentage of the Tribal Women of the Melghat

Sr.n.	Education/ vot-ing	Illiterate	Incomplete primary	Complete primary	Middle school	Higher middle school	College	Total
1	Self	182 54.49% 66.18%	19 5.68% 34.54%	54 16.66% 63.52%	76 22.75% 87.35%	-	03 0.89% 100%	334 66.13%
2	Other	93 54.38% 33.81%	36 21.05% 65.45%	31 18.12% 36.47%	11 6.43% 12.64%	-	-	171 33.86%
	Total	275 54.45%	55 10.89%	85 16.83%	87 17.22%	-	03 0.59%	505

(Note- the above information is based on the research during 2009-2013)

The above table no. 4. expresses the information of educational and voting percentage of the tribal women of the Melghat. Total 505 women gave the answers: 66.13% women admitted that they could choose their own representative in election, 33.86% women confessed that while voting they consider the notion of the other people. One noteworthy thing is that the tribal women who took the education at the college are self independent to select their own representative.

Having studied the available sources it is found that the tribal women of the Melghat have admitted that they could select their own candidate though 33.86% women are not able to select their representative according their will, so it suggested that these women are totally nervous about the political system.

Conclusion

In the Melghat traditional tribes have tremendous male dominance therefore the tribal women have secondary place in the society. Even they do not have any right in jamat panchayat. So they can not give vent to their anger and protest against the male dominance and they have no sufficient representation at jamat panchayat. Although they can not choose their own leader in the system of the panchayat raj, so there situation have been helpless and hapless.

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