

Cultural Milieu: Kulapanchayats of the Madiga

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Abstract

Kulapanchayats play a major role in protecting the culture, tradition and customs of the people. Each caste framed its dharma (norms) to be executed by danda (coercive power) which is in the hands of their caste assembly (samaya sabha), thus functioned on the paradigm of purity and pollution. Each caste has their own panchayats and Madiga caste is one among them. Generally Madigas are untouchable people and they treated as outcast or Panchama Varna. In modern times Madigas comes under Scheduled Caste category. By profession they do removal of dead carcasses and leather work which is untouched by the mainstream society. Madigas are socially excluded based on their birth and profession/occupation and food. Though they are socially excluded, the Madiga caste people are excommunicating their own folk through the Kulapanchayats. But, panchayats are taking certain measures to incorporate them within the community. This paper, broadly discussed about the Historicity of Kulapanchayats in general and Madiga caste Kulapanchayat in particular.

Key Words: Kulapanchayats, Madiga, Guilds, Corporate Bodies, Scheduled Caste

Introduction

The Legal system in India is well established since from the Vedic times. What so ever the changes that occurred in judiciary and execution of justice, they were targeted for the benefit of people hailing from different cultural communities. At the same time the conventions and customs of the communities were given space in the codification of laws. Upendra Baxi, a prominent sociologist of law, argues that “we have to accept at the outset that there are systems of people’s law in India as there are systems of state law” (Baxi, U, 1982). Alongside the colonial law system he finds a rich diversity of dispute-resolution institutions based on social entities other than the state. One of the most notable of these is caste panchayat. It is quite reasonable to suppose that caste panchayat took an active part in the distribution of justice to the people belonging to their communities. It was quite common in the Indian society to organize people belonging to the same community to form into a caste cum professional organizations. The *Samayas* (professional organizations) looked after the needs of their respective members through

their office *Samaya sabha* (caste assembly). The members of the community abide the *Samaya dharma*, the code of conduct to be observed by them to identify themselves personally with the community on one hand, and on the other hand, the *Samaya dharma* attributes distinctiveness and social identity to the community among other caste groups. Regulation of social roles of their respective communities is the prime duty of the caste assemblies. It implies that the violation of caste rules in relation to the gender roles are an offence which is to be settled by the respective *Kulapanchayat* specially meant for this purpose.

The prime motive of the *Kulapanchayat* is to see that the purity of caste is maintained. It is done in two ways: the ban on commensality among members of various castes and the strict observance of rules of endogamy and exogamy as applied with reference to caste. Rules of marriage were rigidly enforced to emerge it as an institution that regulates and determine social roles. Among the traditional communities that co-existed with four-fold *Varnas* and complex *Jatis* whose origins are mixed due to proliferation of castes in changed socio-political circumstances. Before going to further we need to understand the concept of *Kulapanchayats* general.

Historicity of Kulapanchayats:

We have the evidence of *Kulapanchayats* from the ancient times. In *Kulapanchayats* the customary law plays a magnificent role in keeping up the diversity in unity (identity) of the Indian social groups. The ancient Indian society was fragmented and segmented into different professional and cultural communities based on *Varna* and *Jati* maxims. People following similar means of livelihood were formed into a corporation, 'guild' and maintained some rules and regulations that guide them in fulfilling the roles entrusted to them by the maxim of *dharma*. For this, each guild maintained an office, *samaya* and code of conduct, *samayadharm* which is grounded on the *acara* of the clan, caste, community, region, religion, and profession. The guilds wielded extensive influence in royal courts and the elders constituted the inner circles of the king. The *Sreni* is the term that designated the trader's professional organization and its entry is open to those who are traders irrespective of the caste. In this period, they used particular term to denote the corporation of tradesmen or mechanics is '*sreni*' (Derrett, J Duncan M, 1964: 14), it means that a corporation of people, belonging to same or different caste, but following the same trade and industry. The ancient literature, both Brahmanical and Buddhist, as well as ancient inscriptions (Derrett, J Duncan M, 1964: 15), had references to guilds, and also Gautama Dharma Sutra (Derrett, J Duncan M, 1964: 15) states that, nearly all the important branches of industry

formed themselves into the 'guilds'. The number of these guilds must have differed considerably, not only in different periods but also in different localities. It seems that all-important professionals of industries and trade were organized into such guilds. R C Majumdar (Majumdar, R C, 1920) gave an exhaustive list of guilds that were prevalent as corporate bodies in Ancient India.

"Workers in wood (carpenters, including cabinet makers, wheel wrights, builders of houses, builders' ships and builders of vehicles of all sorts), workers in metal, including gold and silver, leather workers, workers in stone, ivory workers, workers fabricating hydraulic engines (odaya mitrika), bamboo workers (vasakara), braziers (kasakara, jewelers, weavers, potters, oil millers (tilapishka), rush workers, basket makers, dyers, painters, corn-dealers (dhamnika), cultivators, fisher folk, butchers, barbers and shampoos, garland makers and flower sellers, mariners, herdsmen, traders, including caravan traders, robbers and freebooters, forest police who guarded the caravans, money lenders, rope and mat makers, toddy-drawers, tailors and flour makers. The Satavahana inscriptions in Deccan mention several guilds like *dhamnिकासeni* (corn dealers), *vasakara seni* (guild of brazier), *tesakraseni* (the polishers), *malakaras* (florists), *kolikas* (weavers), *tilapisakas* (oil mongers), *odayantrikas* (fabricators of hydraulic machines), *kamaras* (iron dealers), *loha naniyas* (iron-dealers), *avesanis* (artisans), *lekhakas* (scribes), *chammakras* (leather tanner), *gadhikas* (perfumers), *suvarnakaras* (goldsmiths), *manikaras* (jewelers), *mythicas* (Stone polishers), *vadakas* (carpenters) etc, that were actively involved in their caste cum professional organizations by adhering strictly to the dharma as a law.

The *Gautama Dharmasutra* sanctions additional occupations like agriculture, trade, tending cattle and lending money at interest the Vaisya community legitimizes the jural autonomy to their guilds. It mentions that the cultivators, traders, herdsmen, money lenders and artisans have authority to lay down their rules for their respective classes. It further states the King should give the legal decision after "having learned the (State of) affairs from those who (in each class) have authority (to speak,) (Muller, Max, 2006: 234)". It further confirmed that who has authority to speak would listen to the cases and gives the legal decisions. The *Dharmasastra* ordains that the organized should be treated as an important one and its rules have to be recognized as valid in the eye of law. Its representatives had also had a right to be consulted by the king in any affair that concerned. According to *Brihaspati Smriti*, (Majumdar, R C, 1969: 64) the guilds were framed the constitution and it was running on that. In this constitution of the guilds, there should be two or three or five executive officers in each guild. For example, the oil-

millers guilds had two or four and gardeners' guild, seven such members. Each group implemented different kind of punishments to their members who committed mistakes.

During the medieval times, in Andhradesa, the merchants were organized territorially as guilds at *desi* (local) *paradesi* (foreign), *nanadesi* (traders from different places) *ubhayanadesi* (itinerant traders from different territories). Different castes were consolidated into respective corporate bodies, they are; the brahmins as *mahajanas*, Vaisyas as *nagaras*, agriculturalists *chitrameli* and kapus, the weavers as *saliya janulu*, *sanis*, the temple girls as *sani munnuruvur* (*sani* 300), the traders of *baliya* caste into *Pekkamdru*, and the oil mongers (*Telikis*) into *Teliki vevuru*. The artisans who took to the profession of carpentry, braziers, goldsmith, sculpting, and metalwork were organized into a guild of *panchahanamvaru*. Thus by the end of 11th century AD each village was inhabited by eighteen communities which were known as *astadasaprajalu* or *padunenimidi jatulu*. A fifteenth century inscription (Annual Report 1918: 174) mentions brahmana, ksatriyas, vaisya, sudra, *vyavaharikas* (probably law officers), *pamcala* (*panchahanamvaru*), *kumbhalika* (potterers), *tantuvaya* (weavers), *vastra bhedakas* (dyers), *tila ghatakas* (oil mongers), *kurantakas* (parayas), *vastra-raksakas* (sewers of cloths), *devamgas* (spinners), *perika* (transporters of goods by pack loads), *go-rakshakas* (cow herdes), *kirataka* (hunters), *ksurakas* (barbers), *rajaka* (washermen). The list varies slightly from time to time. *vetti* was one of the twelve offices of the village that hail from *paraya* community who work as the announcers of major village events to the public.

Types of Panchayats:

Louis Dumont (Dumont, Louis, 1970: 173-174), mentioned about three types of assemblies (*Kulapanchayats*) prevailing in modern times in India: 1) the castes having no assembly, 2) castes having permanent assembly, and 3) castes having non-permanent assemblies. The first case is often encountered among superior castes, the castes of twice born. In such cases the authority is diffused and public opinion is effective in ex-communication or boycotting. In the case of castes having non-permanent Panchayat, the assembly only meets at the guilty party, who has been excluded by the community without any formal decision. In such cases he appeals against the collective attitude before the assembly to obtain his reinstatement into the mainstream of his community, conditional to a punishment to be decided. These types of assemblies are very rare and are evident only in few castes. In case of permanent assemblies, there will be one or more permanent dignitaries, who are responsible for bringing infringements to its notice and convening it when the need arises. These people are always members of the committee. Most of the times, the head of the Panchayat was hereditary or elected by the

people of the same caste for the lifetime. At the same time the members of the *Panchayat* are also hereditary or elected by the caste people. It means that the head of the *Panchayat* and members of the *Panchayat* have rights to continue in the assembly as long as the committee exists. But it is not a compulsion that there should be only one chief.

Meetings of Kulapanchayats:

The assembly sometimes specially convened and it may also, perhaps more often meet at the request of plaintiff on the occasion of one of the banquets which mark family ceremonies (marriages, funerals) and where the members of the fraternity are present in large numbers or again on the occasion of one of the greatest regional pilgrimages, where even several fraternities, corresponding to several assemblies, may meet and discuss reforms to be made in the sub castes customs. The group which meets in official assembly is often called as '*biradari*' or 'fraternity'. The territorial extent of the caste assembly can't be demarcated clearly. It is purely empirical and subject to great variations. The assemblies of some of the specialist castes cover a larger area than that of the farmer. For example the assembly of the washermen and barbers etc... These castes will not cover wider territorial area as they are spread on each limited to a single village. One more striking element of the caste assembly is that, the dominant caste exercise strict control over the relations between castes in a village (Dumont, Louis, 1970: 174-175).

The Jurisdictions of the Kulapanchayats:

The jurisdiction of the assembly goes beyond the domain of internal justice. It can decree rules and exercise a controlling function. It depends upon the professional interests of the groups against the third parties, which have some kind of privilege. The caste assembly controls the maintenance of '*Jajmani*' relations, both punishing a member who attempts to take someone else's patron or who has been patently remiss in his professional duties and boycotting the patron who, without sufficient reason in the caste's eyes attempts to put an end to the services of one of its members or replaces him by another (Dumont, Louis, 1970: 175-176). Different professional castes depend on the reciprocity of the services of each other. Sometimes there will be a dispute in such reciprocity. In such conditions one caste tries to show that one caste is independent from the other. For example barbers boycott dancing girls who refused to dance for their marriages.

The jurisdiction of *Kulapanchayat* is conceived as extending to any matter in which the men of the caste considered that the interests or reputation of the castes require action to be taken against a member of the caste (Hutton, J H, 1977: 102). One obvious thing to be noted here is that there will be more rigid

control on those castes which are having a permanent and continuous system of controlling bodies. Contrary to it, it will be least among the higher and generally speaking better-educated classes whose distribution is wide.

Formation of Madiga Kulapanchayat:

The Madigas deserve mentions about their *Kulapanchayats*. They constitute one of the present scheduled castes in Andhra Pradesh and for they construct their identity as the first and foremost dwellers of Andhra, the *Adi-Andhras*. The *Aitareya Brahmana*, a Brahminical text belonging to sixth century BC refers to *madugas* along with other communities like *Andhra* and *chunchus*. Madugas are considered as Madigas since the Manusmriti (10th Chapter, VV.47-49) mentions that the *Medas*, *Andhras*, *Kunkus*, and *Madgus*, took to the profession of the slaughter of wild animals.

Madigas are basically, leather workers, village menials, drumbeaters and agricultural laborers and they are considered as untouchables during pre-independence times, and their place at caste ladder is the lowest (Singh T. R, 1969: 2). The Madigas directly or indirectly are associated with the disposal of carcass or corpse. The Madigas are called with different names and popular among them are Gosangi, Arundhatiya, Jamhavvulu, Jambhavanthulu, Matanga, Ettivaru and Tegavau. Some of these names had mythological connection with Jambavanta – a figure that appears in the epic of Ramayana. The Madigas are considered as the left hand castes because they are leather working people and they do not participate directly in food production process and hence they are considered as left hand caste (*Melvaram*). Usually the Madigas' settlements are formed as hamlets and their services are rendered for certain works connected with purity and population.

The Madiga caste people have formed a *Kulapanchayat* to look after the caste issues. The Madiga *Kulapanchayats* are very predominant in the South costal Andhra especially in Nellore and Prakasham. The Madiga Kulapanchayats in these districts are formed and run by their caste people only. Each Madiga village has their own Kulapanchayat. Each Kulapanchayat is varying from one village to the other. The uniqueness of the Kulapanchayat is the head of the Kulapanchayat position is hereditary and sometimes it is depend on the population or strength. Traditionally, the key position in the Madiga called as *Pedda Madiga* (elder of the community). The *Kulapanchayat* structure in these districts is in pyramidal power structure. *Pedda Madiga* is in the top position and his close relatives in the second position and they enjoy the power. Though the family dominance is not well appreciated by the others, yet they are bound by tradition and continue to live in the subordinate position. To become the *Pedda*

Madiga the person should fulfill the qualifications like; (a) the person should be a Male member, (b) he should be from the dominant clan group among Madiga in the village (c) he should belong to the same village (by birth) (d) he should be married (e) he should have children (except newly married) (f) his wife should be alive.

Functions and rights of the committee and its members:

Kulapanchayat among Madiga community is a multi functional body; which looks into the matters of religious aspects, property disputes, and plays a key role at the time of marriage functions and also disputes arising out of marital life. *Pedda Madiga* is the prime member among the Madiga caste people; he represents the caste in several occasions, for example at the times of marriage *Pedda Madiga* acts as the elder for the bride or bridegroom whoever may be the resident of the village. The marriage system among the Madiga caste is a typical one. From the stage of searching a girl or a boy, the family, to which the girl/boy belongs, asks the *Pedda Madiga* to give his representation along with the family members, because they consider the presence of the *Pedda Madiga* in such an activity is an honor for them. If the match is conformed for a girl/boy with the same community boy/girl (resident of the village or non-resident of the village), she would engage with the boy in a meeting and fulfill some formalities like sending *Pradanam*, (it's a kind of practice to send *Akulu* (betel leaves), *Vakkalu* (betal nuts) and *Ariselu* (a kind of sweet made up of rice flour and jaggery), wrapped in a cloth, which should be done by the *Pedda Madiga*. The bridegroom's family sends to *pradanam* to the bride's house one day before the marriage. It is an occasion and conforms or indicates that she is engaged to that boy, and the next day the marriage will take place. If marriage of a bride, it takes place in this village the *pradanam* that is sent by the bridegroom should be opened by the *Pedda Madiga*. The *pradanam* separates into *pogus*, (nothing but parts or shares) accordingly the number of Madiga caste houses in the village, and five more special *pogus* put apart from the other *pogus* as a part of tradition to distribute them to five important icons among the Madiga caste in the village *i.e.*, the first part or share will be given to Mathamma (the goddess of Madiga), the second share will be kept as *Devara Thamboolam pogu* which is given to *Ayyavari Ammavari Pujari* and the remaining three, four and fifth parts or shares will be given to the *Pedda Madiga*, *Pedda Golla* (a traditional friend of Madiga from Golla caste) and *pujari* (priest) of Mathamma respectively. The remaining *pogus* will be distributed to the each and every family of Madiga community in the village. The *pogu* of the Mathamma will be taken by the *Pedda Madiga* or the other persons of *Kulapanchayat* members in a rotation system. In the marriage, the 'calf' should be sacrificed and prepared as a food item without which the marriage function is considered as in complete.

In any case, during the marriage function, if food is prepared without the beef, then nobody even smells the aroma of the food items, and they will demand for it until the beef is prepared. Another important role by the *Kulapanchayat* was celebration of Mathamma (the mother goddesses) *jathara*. It is traditional and big festival in the community. They celebrate it for three days. Each day is very auspicious to the community members.

The other important role the *Kulapanchayat* play is resolve the disputes like inter-caste marriages, property disputes, thefts, fight within the family members and other disputes will be resolved in the *Panchayat*. If the girl is eloped with a boy, who is not from the same community, then the issue will be brought to the *Kulapanchayat* where the decision will be taken to ex-communicate the girl in the presence of community members and with the family members. If any family member is found as guilty against the *Kulapanchayats* decision (communicate with the girl), then they will be ex-communicated from the community. If it is other than the family member, then they will be fined. Though the girl's family, stays away from the girl still they have to pay some fine to restore their position in Madiga caste, because, when the moment girl eloped with another caste boy, according to the Madiga caste rule, they lost their normal position in the Madiga community.

If elopement occurs within the Madiga community, the *Kulapanchayat* will call the family members and if possible the eloped girl/boy to a place and asks their explanations, and levy the penalty upon the family according to their economical status. And they will be asked to organize a function for the community or to pay the equal amount to organize the function, but it is upon to the committee whether to organize a function or not. If anyone looks forward for the marriage, he/she has to first clear his/her due penalties levied by the *Kulapanchayat* if he/she was proved guilty in any case, otherwise no community member will attend to the marriage function.

Pedda Madiga is the whole and sole responsible person to assemble the committee at one place, for which he can employ a person to communicate with the other *panchayat* members as well as the community members. He has the final choice to take decisions about anything that brought to the *Kulapanchayat*. In case of contradiction between *Pedda* Madiga's opinion and remaining committee members, the *Pedda* Madiga will take the majority committee members' opinion as the final decision. But, if the *Pedda* Madiga finalizes the case and takes a decision then the decision will prevail at any cost. If the case is too complex and difficult to deal with, then the *Pedda* Madiga will ask *Pedda* Golla for help in taking decision. In the absence of *Pedda* Madiga, any person, irrespective of male and female, from his family or the ex-*Pedda* Madiga can be active to deal the issues.

The people belongs to Madiga community should obey Panchayat judgments. If anyone fails to pay the penalties or disobeys the *Kulapanchayat* judgment they are strictly illicit from the auspicious and inauspicious occasions held in the Madiga community. If a person commit mistake and unable to pay the penalty he or she will be excused from the penalty by accepting their guilty and they should distribute the betel leaf and betel nut to the entire community. It shows that he/she is accepting the mistake in front of all the community members. Except inter-caste marriage the committee is flexible in their community members.

Conclusion

It is evident from the above discussion that the *Kulapanchayats* of the Madiga community are still focused on the practices of commensality. It is not simply the production relations that form the basis for social groupings in India, but clubbed with it is a religious ideology evolved on purity-pollution concept, which framed social groups into a hierarchical alignment. Pollution was controlled through the functioning of two taboos: (i) regarding kinship in the context of marriage and (ii) the concern for eating with or taking food from only those ritually permitted. Levying fines or excommunicating members is noticeable mostly in the cases of intermarriage or dinning.

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