



PATRIARCHAL IDEOLOGY: “CASTE COUNCIL /JAT PANCHAYAT” FORM OF INFORMAL DISPUTE RESOLUTION MECHANISM

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Abstract: The system of Caste Panchayat is a prevalent body that existed among many Nomadic, de-notified and, semi-nomadic communities as a form of informal dispute resolution. Women and men many times become the victim of such a system due to its patriarchal nature. This system is mainly based on the caste structure, which operates on the principle of “Pollution” and “Purity” to preserve endogamy. Women suffer more due to gender constrain their identity and dignity as an individual human being is neglected or sideline.

The present paper explores that in the era of Modernisation where such informal social institution becomes illegal under “Social Boycott Prevention, Prohibition and Redressal Act, 2016”, where the practice of any form of ostracism is considered as a crime. The paper explicitly depicts the narratives of women and youths from the Vaidu community, it also portrays how caste Panchayat continues discipline and dominance in the life of women and the poor.

Index Terms – Caste Panchayat, Patriarchy, Nomadic communities, Vaidu.

Introduction:

The wounded patches on Ranjanas (name changed) body and face 31 years pregnant woman talks more about the brutality of her husband. She was sitting voiceless in the group of 7 to 8 male Panchayat members, hearing their conversation with her husband and members were convincing him to take his wife along with him rather than question about the brutality. A woman beaten by her husband is not considered “Wrong” but the right of the man over her body and sexuality. Women are treated as the individual property of the male which explicitly depicts the patriarchal system among many of the nomadic communities. Ranjana’s parents approached the caste panchayat members not to get justice but to send her daughter to her husband’s house. Even though knowing that she is pregnant and brutally beaten by her husband because after marriage it is considered that the women’s sole owner is her husband this comes from patriarchal ideology.

Nomadic and denotified communities are one of the most oppressed sections of our society. The colonial regime branded many of them as born criminals. The process of industrialization, urbanization has adversely influenced their traditional occupations and socio-economic conditions. Many families among these groups are living in the acute form of poverty, their way of nomadic life and the stigma of criminality make them an asset less and resourceless. and due to this, they remain at the bottom of the social structure. Women among these communities face double marginalization due to caste, class, and gender, as they have to live their life by dictating patriarchal norms.

Methodological Approach

The present paper gives a sense of the nature of caste panchayat oppression, which exists among nomadic and denotified communities and specifically among Vaidus. This paper is based on the primary data collected from Karjat, Rahata, and Jamkhed block of Ahmednagar district of Maharashtra State. Researcher has used ethnography as a research method to gather the data. This methodological approach helped the researcher to dig deep into the social system. Researcher has used semi-structured interviews combined with observation, case studies, participatory and non-participatory observations, as tools for data collection.

The structure of caste Panchayat is based on social norms such as superstitions, patriarchal authority, and casteism, Ingole, (2015). Walby, (1989) defines patriarchy as a system of social structures and practices in which men dominate, oppress, and exploit women. The concept of Patriarchy is set out in the 1970s by Kate Millett in *Sexual Politics* describing power relations in a society where she finds women annoying minority force to be put down the social order where the female would be perfectly controlled.

Gerda Lerner's (1986) has stated "The Creation of Patriarchy" as the first feminist history dealing with the state and the question of origins where Lerner finds that the process of state and class formation was the origins of patriarchy. Lerner has discussed the slavery is an important one; she takes the oppression of women as the basic model for slavery, sexual services important in motivating their slavery. But also rape, in general, was a major in keeping them enslaved and dominated. Women's subordination was institutionalized through the law codes and enforced by the full power of the state, and it was secured by force, economic dependence on the male head of the family Omvedt, (1987).

Patriarchy denotes a social structure where the actions and ideas of men are dominant over those of women. Male dominance is reflected in correlative inequalities throughout the society, the foremost being in the family domain where the father or eldest male is considered "head of the household", Soman (2009). Dorothy Hodgson (1999) explore the term 'patriarchy' is ambiguous in that it can name a range of context-specified gendered power relations, it is used here to refer the situations as described above, where men dominate women politically and economically. Such control is relational, never thorough, often contradictory and inconsistent, and maintained through extended negotiations and struggles. In other word patriarchy like gender, is produce, maintained and transformed through the culture and social relations of power between women and men, but also among women and among men.

Caste Panchayat is one of such informal patriarchal structure enjoys the dominance and usually acts as a dispute resolution mechanism of solving cases and punishing members. Ingole (2019) observed that the caste panchayats are one of the enforcement mechanisms for preserving caste identities for the past few decades it has dominance over their members. Caste panchayats are councils that provide a localized and informal form of governance of a jati. These councils are unelected, with caste "elders" calling and leading the meetings. Women cannot be participants, direct complainants, or witnesses in these bodies, thus caste panchayats, with these deeply patriarchal governance structures.

Social Boycott (Prevention, Prohibition and Redressal) Act 2016, define caste panchayat as a body that regulates various practices of the community by controlling the personal and social behavior of its members and families using various means. Caste panchayats have no official status in the democratic system of the federal state its functions may regularly or when disputes arise, involving at least one member of the caste. The nature of disputes is mainly over the occurrence of a breach of occupational, moral, or social codes of a caste. It also regulates to ensuring that the endogamous group's status of a caste is preserved by overseeing the prohibition of inter-caste marriage.

These caste Panchayats use social and economic boycott and excommunication of offenders as a method of enforcement mechanism. Social Boycott is usually defined as an act of persistently avoiding a person by other members of the society, it is society's collective refusal to engage a person in normal social and commercial relations. Its goal is to make that individual so uncomfortable that he decides to voluntarily leave society. Ostracism is related practice- much eviler; it is the forcible expulsion of an individual from society for any reason, often accompanied by the confiscation of his property. The rules of caste panchayat are unwritten, undefined, and or recreated or discovered at every meeting.

Caste panchayat is an ancient form of internal dispute mechanism it operates as extra-judicial bodies that govern their respective tribes or castes. Ghurye (1963:99-100) stated that in every sub caste the caste council is the tribunal for enforcing the moral and economic rules of those groups. Srinivas (2002:16) observed customary law and traditional systems of resolving intracommunity disputes were prevalent in rural India much before the arrival of the formal courts.

Besides social functions, the caste panchayat usurps reformatory and political functions too. Ghurye (1932) observed that some caste panchayats start with an association of its members and these new organizations collect funds to help the poor people of their caste, to provide scholarships for its young and deserving members, and try to enhance the social status in the hierarchy. The analysis of caste panchayat functions in India done by many studies found that its function usurps human rights and wrecks the democratic secular structure of the nation.

Anthropological Survey of India report (2018) stated that Nomadic and Denotified communities are victims of cultural/economic supremacy of feudal social system in pre-Independent India. They were subdued and became victims of social justice by enforcement of rulers' jurisprudence on wills and whims. NT/DNTs are socially as well as economically isolated groups in the regard to access to basic resources for existence as well as some other fundamental rights to welfare policies to be the citizen of a welfare state for generation.

Caste Panchayat has a stronghold on the majority of the nomadic and denotified communities. Discrimination and inequality surprisingly show the presence of caste Panchayats in many of its regions. Renake Commission Report (2008) stated that about 76 percent of the denotified communities and 84 percent of the Nomadic communities' shows the existence of caste or Jaat panchayats, these caste panchayats play a key role in day-to-day affairs of people's life. These Jaat Panchayats, as is the case with any community councils in the modern context, are inward looking, and authority is limited to dispute resolution and insulated from the constitutional process. Moreover, women do not freely participate or hold any positions in these traditional Jaat Panchayats. In many of the places, Jaat Panchayats are not been able to effectively participate in local body elections or mainstream politics. This indicates a weak community mobilization process and limited role for Jaat Panchayats.

In India where the denial of constitutional and fundamental rights to marginalized groups is as much social reality, due to the low and marginal social status, economic constraints are known to prevent large sections of the population from approaching state institutions. Thus, they are fully dependent on such traditional patriarchal system to get justice or resolve disputes, Kavadi, etc, all., (2008).

Dhagamwar (2009) highlighted people belief on the caste panchayat "Pancha Parmeshwar" (five arbiters) means who will give justice without any discrimination and nobody will lie before them. Chavan (2008) observed that from the historical point of view there was a strong existence of the caste panchayat in every sub caste and it is limited to the close geographical area where the members of the caste council will know each other. Due to the nature of nomadism majority of the nomadic and denotified communities have the existence of caste panchayat which have strict control on their communities.

Like in "Ghyare Kanjar", one of the denotified tribes previously cutting mustache or working in the government sector was considered as a crime. They have different punishment for this, and if the victims are refusing to pay the amount then the entire family have to face "social boycotting or ex-communication". Local newspaper heading (19 January 2016)

“*Karja Pheda Nahi Tar Bayakola Tabyat Dya*” (Repay loan or handover the wife to the caste panchayat). *Gondhali* (Performer) nomadic community where the family has taken the loan from the members of the caste panchayat and in return, the members demanding three times more amount in form of *Vyaja* (Interest) or otherwise give the wife to the caste panchayat. This situation talks about women's social status and subordinate position in the patriarchal structure, which treated women as common public property or commodity.

Discrimination and inequality is shown in many caste panchayat decisions, Adrian Mayer (1966: 251), Village ‘*ramkheri*’ in Rajasthan is a multi-community village and each sub-caste have their own caste council/panchayat. The individual panchayat or council covers a wide range of subjects, they deal with infringements of the rules of inter-caste relation (eating, drinking, smoking with forbidden caste or allowing them to enter one's house contracting marriage or sex relations within forbidden degrees of kin or with forbidden castes). The village council which finally controls issues of the village mainly comprises of the upper castes and economically rich people.

This traditional informal dispute mechanism becomes odd in the changing lifestyle, norms, and outlook of the new generations, resulting in intergenerational tensions and disputes. In the emergence of the modern institution of authority and power social role of caste panchayat is started declining. To retain the authority of the caste panchayat the patriarchal system resorting to reprehensible practices like a social boycott, Nagla (2014).

Vaidus semi-nomadic community of Maharashtra, which has approximately more than 10, 00,000 population distributed in Ahmednagar, Aurangabad and Pune District, Gadgil and Mhalotra (1982). Vaidus is known as traditional medicinal healers and now shifted various other occupations such as scrap collection, sale of artificial jewellery in the villages where women equally contributing in their economy. Vaidus exists on the fringes of the social order (of the caste system) because they live and travel outside of the normal community bonds and thus they are seen as outsiders in the villages.

Many families among Vaidus use a nomadic way of life to cater their daily needs where they remain poor and education ratio among them is below the district and state average. NCDNT commission, (2008, pp.74-76) report has stated that education is a mirage to the denotified and nomadic communities, it is no wonder that these communities are largely illiterate and those who are educated mostly up to the tenth class.

Vaidus is also not exceptional to this, due to the patriarchal nature of the community girls many times face gender discrimination and are asked to leave the school. The reason behind this family and community members afraid of the girls will be engaged with another community boy or run away with him then they have to face caste panchayat brutality. Similar kind of experience shared by the boys that the elder members of the community keep watch on them, they should not engage in such relations. The only difference that they are not asked to discontinue their education.

From the empirical data, it is observed that the dropout rate at the primary level among the girls is high. The patriarchal system perceives the aim of women's life is to cater their family members throughout her life. There are hidden threats or restriction on women from the caste panchayat to work within their community rules and norms restrict many of them from other livelihood opportunities. Social Boycotting is considered the most heinous punishment which creates hurdles in getting marriage proposal, social status and economic opportunities.

The recent case where women was declared as public property by the caste panchayat as punishment for lodging police complaint accusing her husband of domestic violence in the year 2016. The women and her maternal family members was socially boycotted, in the year 2019 one of the caste council meeting at Jejuri near Pune district give the verdict that women was a blot on the community as she had gone to police against her husband. The judges declared the women ‘*Moghlayi Mal*’ (an obscene word for public property). In the Independent India where all the constitutional remedies to get justice from any kind of discrimination this act of lodging formal complaint against husband become crime in the eyes of caste council where women get declared as public property. Violence against women is considered a justifiable way of male dominance.

Youth (male) group narrated that even though the new act against the caste panchayat exists, members of their community afraid to approach the legal system. To retain the authority of the caste panchayat they hold the daily life of community people. They also demand money to resolve minute issues and to release panchayat members from police custody. Even though knowing the fact that caste panchayat is the discriminatory authoritative dispute resolution mechanism. They are unable to resist the dominance of the system due to the fear of social boycott.

Many families among the Vaidus used nomadism as their way of life where women's are also equally contributing in their economy, where they have to constantly come in contact with sedentary village population, their primary consumers. During the data collection, many women narrated that they face physical assaults and harassment in their workplace. They also know the consequence of voicing out the incident where the male-dominated system that controlled women's sexuality prove them guilty for such incidence rather than filling a legal complaint against the accused. The youth express that the system always creates pressure on the families of social boycott and fine and once the family punished by the caste panchayat it is difficult for them to find marriage partner within their community.

People's movement against the system of informal dispute mechanism / caste panchayat plays significant role in formulating laws related to this brutal system. In the year 2016 Government of Maharashtra has passed the Act which is known as “The Maharashtra Protection of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016”, social boycott is consider as crime under this Act. As the impact of the movement members of the Vaidu community in many areas took the oath of removing the historical system of caste panchayat. But on the ground, people among the Vaidu community are afraid to approach the legal justice system, where they prefer to depend on the traditional system to resolve the disputes.

From the field, it is observed that caste panchayat members hold the routine life of its members for the pity issues, researcher was witness one of the panchayat hearing. In many communities, those who follow Hindu rituals, after the death of any person in the family the male member has to shave their beard and head. Vaidus also follow Hindu rituals, in Jamkhed block during the data collection a similar incident happened but the male member of the family did not shave their beard and head after the death of their family member This becomes a crime in eyes of panchayat members, on the next day they called a panchayat meeting. After the long debate and argument of the panchayat members forced male

members to follow community norms otherwise they have to pay the fine. Due to the stronghold of panchayat members, they accepted the verdict and follow the rules.

The caste panchayat is the space to show masculine power the incident of Devlali village, in the case of temple dispute. The researcher was a silent listener of the incident want to understand the nature of the informal dispute mechanism, due to gender constrain researcher was setting with community women on hearing distance from the meeting place. It was a show of masculinity older one was shouting and providing the evidence from the old stories, they took a stick in their hands to prove themselves. Youth male was also observing and setting in the Pandora box. Thus, this is a classic case of constructing gender ideology that men need to be bold and strong and always subordinate the powerless makes inequality and hierarchy in the social systems.

Previously the panchayat system among the Vaidu's runs in two-level, one is local and one is Maha Panchayat (Supreme Court), if the people are not satisfied with the local verdict they approached Maha Panchayat. Due to the Legal restriction no formal meetings of panchayats are happening, it is strictly observed by the legal authority. At both the end there is no assurance of getting justice.

Vaidu is also known for the women's chastity and purity case of Durga Guddelue known face of Vaidu community social activist who went against the caste council's decision to save her educated sister to get married to a less-educated boy from her community and the panchayat members boycotted her family. She lodges the police complaint against the caste panchayat members and fought for justice, finally she married her sister to the educated dalit boy.

Bhagyashree 23 years old a young separated woman working as a small goods sealer to nearby villages, shared that traveling in a private vehicle during work is risky. One incidence of her life disturbs her even today her elder sister was kidnaped when she was returning from her work. They filed a complaint in local police station but no action has taken by the legal system as the assailant is from upper caste. Women among the Vaidus narrated that their difficulties in the workplace are not considered as an issue by the members of the caste panchayat, but if they rest at home or deny going to work then it becomes an issue for them as the husband's family had paid the bride price for her. Such a patriarchal system constructs a mindset within the community that women should be treated as a commodity. Even though the new Act related to social boycott has an impact on the community, but the legal system is still far away to get justice, which again has a patriarchal mindset.

Conclusion: The forms of caste panchayat in the Vaidu community work as an informal dispute mechanism, in the presence of legal judiciary system limits, radical articulation against patriarchal discrimination must be reformed to create empowered citizens. For effective implementation of the legal remedies against the caste panchayat one need to understand caste and gender based discrimination which exist in different forms. Caste panchayat needs to be recognized as a body of economically powerful members, it is the women and socio-economically marginalized groups who are at the risk at the hands of the so-called justice court.

The legal system and ministry of social justice and civil society organizations need to work together to create awareness among the nomadic communities and denotified communities, police should be sensitized towards the victim and ensure crimes are reported and the guilty are booked. There should be shelters homes for women and the poor who are victims of caste panchayats. The younger generation should be taught human values and moral education, unless and until discrimination based on caste, class, and gender exists in society a peaceful world cannot be created.

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