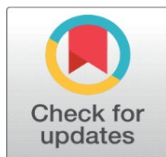


TRADITIONAL PANCHAYATS IN JAUN SAR-BAWAR

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ABSTRACT

The traditions in any society evolve over time, reflecting changes in circumstances. In tribal societies like Jaunsar-Bawar, cultural practices hold significant value, with the Syana and Khumdi systems serving as traditional panchayats. The British government recognized the uniqueness of the Syanachari system and granted legal rights to the Syanas, which helped with revenue collection and ensured smooth administrative functions. Although the Syanachari practice was abolished after independence, the Syana and Khumdi systems still retain social significance in Jaunsari society today.

Keywords: Syanachari, Syana, Khumdi, Chakrota, Pahikasht, Udava

1. INTRODUCTION

In a globalized world, the persistence of ancient traditions demonstrates their foundational role within societies. Understanding the culture and customs of any society should be based on contemporary contexts and social systems. The Syana and Khumdi systems not only acted as judicial bodies but also functioned as legislative and executive institutions. This article examines various aspects of traditional panchayats, including structure, authority, procedures, and the acceptance of these systems in Jaunsar-Bawar society.

2. ORGANISATIONAL STRUCTURE OF TRADITIONAL PANCHAYATS

Two established institutions existed in Jaunsar-Bawar : Syana and Khumdi, which are ancient in origin. During British rule, the Syanas operated on three levels: at the village level (village Syana), the Khat level (Khat or Sadar-Syana), and the overall Jaunsar-Bawar level (Chautaru Syana). In some instances, a village had multiple Syanas, and sometimes the Sadar-Syana functioned as Khag-Syana for a sub-Khat. For example, in Bayla village of Bharam Khat, there were four village Syanas representing different family clans. Additionally, Lohari village in Dhunau Khat had two village Syanas, one termed the chief Syana and the other a smaller Syana.

In the Jaunsari dialect, the term 'Syana' implies cleverness but generally refers to respectful address. The eldest male member of a joint family was referred to as 'Syana' and was recognized as the family's head responsible for making decisions. However, this role has diminished over time. Under British rule, Syanas occupied positions at four different levels: village Syana, Khag Syana, Sadar-Syana, and Chautaru Syanas at the Jaunsar-Bawar level. The Chautaru Syanas

were selected from Sadar Syanas and held significant authority over the region. While the Chauntru Syanas have largely disappeared, the other three ranks of Syana continue to exist, and the position remains hereditary, restricted to upper-caste men, primarily Rajputs and Brahmins. Women and Scheduled Caste individuals were traditionally excluded from these roles, reflecting a male-dominated and caste-based hierarchy.

Atkinson noted that upon a Syana's death, his eldest son would inherit the position, regardless of his age or ability, with a brother acting as an assistant if necessary. The Syana could appoint his son during his lifetime, but brothers had no claims to the title. This reflects a patriarchal structure within the Syanachari system. Each Syana received fees for their services, which were not divided among siblings, often leading to disputes. The eldest son's child would inherit the title if the eldest son died without offspring; otherwise, the younger brother might take over. Each Khat had several Syanas, with the most influential recognized as the chief Syana, representing that Khat.

The government had the authority to dismiss a Syana for reasons such as revenue losses or misconduct. A suitable candidate could be appointed in such cases. A Syana could resign but had to pass the role to a brother or another close relative, ensuring the rights of heirs were not undermined.

In modern times, the role of a Syana has become more of a social formality rather than a guarantee that the elder son will take over the position after the Syana's death. The decision about who becomes the Syana is based on various factors like personal qualifications and circumstances rather than mere inheritance. Many people have moved to cities for better opportunities, which makes it vital for a new Syana to have experience in social work and connections with rural life. While the elder son is still prioritized, younger siblings can also take on the role. The position of Syana is not viewed as a profitable offer for making a living anymore, but it still holds social prestige.

Currently, a Syana can designate any male family member to the role during his lifetime. He can also resign and suggest a new family to take over the position. Some believe that the Syana might have to return to the post due to a divine curse, a belief more common when the Syana held governmental roles as well. In recent years, political dynamics have caused some Syanas to be removed from their positions, creating situations where two Syanas may coexist in the same village until a compromise resolves the situation.

The Khumdi is another traditional structure, serving as a local council for settling civil and criminal matters. It is still utilized today, primarily as a social institution. In 1849, Mr. A. Ross laid out a legal framework for how local justice was administered through the Nyaya Panchayats, adapting existing customs and making necessary moral amendments. For instance, bribery was discouraged in serious matters like murder. The process to convene a Khumdi was based on oral tradition, with the Syana acting as the ex-officio president. Typically, only the head of each family attended Khumdi meetings, excluding women and requiring minor males to represent families without adult males.

Khumdi meetings take place at various levels. The first is at the village level, addressing issues within one village. The second involves multiple villages. The third encompasses all villages of a specific community (Khat), and the fourth includes two or more Khats, convened under special circumstances. In recent decades, there have been no Khumdi meetings for the entire Jaunsar-Bawar area, which had more significance during British rule when local leaders represented the broader community.

3. JURISDICTION OF TRADITIONAL PANCHAYATS

The jurisdiction of traditional Panchayats, specifically the rights of Syanas and Khumdis during British rule in Jaunsar-Bawar, included responsibilities related to revenue, civil, and criminal matters. Syanas were officially recognized, serving as local leaders responsible for maintaining order and collecting dues from farmers. Their duties included settling disputes and ensuring compliance with government directives. If tenants defaulted on payments, the Syana had the authority to file cases and could seize property to recover dues.

Syanas were also responsible for managing revenue collection, which had to be done by a specific deadline to ensure agricultural work could begin on time. There was an officer known as Chakrota in villages, who worked under the Syana and could be appointed or dismissed by him. Additionally, Syanas received compensation in the form of flour from farmers and took a commission from revenue collected.

If a landowner wished to sell property, permission had to be sought from village shareholders through the Syana, who ensured that land was not sold to outsiders. Mortgage agreements only covered the land title, and possession was contingent on payment or the terms of the mortgage. All agreements, including mortgages and sales, required the Syana's approval, with additional fees for registration. Generally, there were no fixed mortgage durations, and the process often involved exchanging written documents.

During British rule, the local hereditary revenue officer, known as Syana, in the Jaunsar-Bawar region was responsible for both collecting and distributing revenue. The area was divided into Khats, with the leader being called a Sadar-Syana, similar to roles in the nearby Garhwal and Kumaon regions. Four main Syanas, known as 'Chaantaru Syana,' formed a group called 'Chautaru.' The government assigned revenue collection tasks to them for the Jaunsar-Bawar pargana. They delegated responsibilities to Sadar-Syanas, who then handled revenue assignments for village Syanas, ultimately determining the tax for each landowner. All parties involved shared responsibility for revenue collection. The Chautaru-Syanas wielded significant power, including the authority to punish or impose sentences on offenders, while Sadar-Syanas held lesser powers but received a share of the revenue collected as an allowance, termed 'Bisaunt.' Other compensation structures in the region also benefitted moneylenders through interest on loans.

When the British government took over Jaunsar-Bawar, they established revenue collection methods that respected local customs. The government informed the Sadar-Syanas of the revenue amounts required, which were then allocated to villages within their Khats. Individuals were provided with tax lists, ensuring they did not pay more than their assigned amounts. Syanas evaluated tax based on resources like land holdings and livestock. Trees outside of those planted by owners were considered government property, and while farmers could use wood from forested areas for personal use, selling it was prohibited. In certain areas lacking deodar trees, residents could transport wood from nearby Khats without incurring a tax. The government retained exclusive rights over mines and any barren land could only be used with its permission.

Currently, Syanas lack legal authority, but they still hold a respected social position within the communities. In disputes in Jaunsar-Bawar, the first report typically goes to the Syana, who then coordinates local meetings, known as Khumdi. The Syana plays an essential role in various social and religious events. Reports received by the Syana allow them to determine when Khumdi meetings occur, although in some villages, less influential Syanas may let village heads take charge. However, this is uncommon.

Only Syanas and Sadar-Syanas can convene Khumdi meetings, and for issues involving multiple Khats, the Sadar-Syana will decide the timing and location of the meeting. All members present in a Khumdi have equal rights to voice their opinions, although Syanas are regarded as first among equals. Khumdi meetings possess extensive authority to address many community concerns, including punishing criminals and preventing immoral behaviors, resolving family disputes, protecting public lands, and establishing conduct rules for social and cultural events. They could also discipline outsiders who harmed community members or property.

4. WORKING SYSTEM OF TRADITIONAL PANCHAYATS

The functioning of traditional Panchayats during British rule reflected a simple agricultural lifestyle in the Jaunsar-Bawar region. The Khat served as the administrative unit, encompassing clusters of villages, with the Sadar-Syana leading the Khat. Village Syanas operated under the Sadar-Syana's authority. The village community primarily consisted of landowners, as each landlord cultivated their own land with a relatively small number of farmers assisting.

Farmers with little land were called pahikasht and were also zamindars, but their small land did not meet their basic needs. To survive, they cultivated land owned by others and paid rent to landlords. Landlords often provided support to their Harijan workers, giving them food, clothes, and financial assistance for marriages, with Harijans living on the land they worked.

According to A. Ross, farmers were divided into two groups: hereditary and non-hereditary. Hereditary farmers, often from Rajput and Brahmin castes, had rights to sell or transfer their land and owned their villages. Non-hereditary farmers were tenants who paid rent and could not transfer land ownership. If a landowner disappeared, their land was first given to heirs or, if there were none, to other village owners. If no one accepted the land, it remained uncultivated, and the revenue collected from it was shared among the local community. However, Harijans could not claim this land. An absconding farmer could reclaim their land within five years by paying their dues.

When a zamindar wished to sell land, they needed permission from village share owners. The Sadar-Syana collected dues and resolved disputes, also overseeing the welfare of new tenants. If a farmer died, and their widow remarried, the new husband could claim a tenancy on the deceased's land, but this required legal documentation for the transfer of ownership. Shares of the land and property were divided among family members, with specific rules for how much each individual received.

In disputes over property, decisions were typically made by a local council called Khumdi or through oaths if needed. Boundaries were monitored, and if resolution was not reached, it was reported to a superintendent. Due to

dissatisfaction with how Syanas divided revenues often based on tenant payments rather than land value many residents moved to new villages, which prompted some accountability among Syanas.

Khumdi was a traditional justice system in Jaunsar-Bawar. People seeking justice would pay a small fee to the Syana, who would organize a gathering where disputes were heard. If the Syana believed an issue could be resolved without a full council, they might mediate first. Khumdi followed oral guidelines and was known for its low costs. Fees collected during the process were shared among council members, with the Syana receiving a larger share. If parties did not accept the Khumdi's decision, they would lose the fees paid, ensuring that the council's judgments were respected.

As a local judicial institution, the village Khumdi was important for settling various cases and disputes within the community. Common cases at Khumdi included land disputes, divorce, unauthorized marriages known as 'Udava,' family property divisions, thefts of grass, trees, wood, crops, and animals, and punishing those responsible. Murder cases were infrequent. Khumdi also handled social, religious, and cultural issues. While many of these cases still occur today, the nature of theft has changed to involving more expensive items, and land disputes have decreased due to urban migration. Typically, only the head of each family, usually a man, would attend Khumdi. Women were generally not allowed unless it was an extreme case where a woman from the offender's family sought forgiveness, possibly leading to a lighter punishment or none at all. This respect for women in Jaunsar-Bawar society stemmed from cultural beliefs. In the past, women often used 'Devi' as a surname, though this has become less common.

Khumdi usually convened in the village panchayat courtyard, with the Syana serving as the ex-officio president. Everyone had the right to speak and contribute to discussions, aiming for consensus before making decisions. If a party disagreed with Khumdi's decision, they could report to the Khag level, which involves a larger assembly of several villages. In such cases, half of the fee paid to Khumdi would be returned to the aggrieved party. If the Khag Syana found that the matter could be solved without Khumdi, it was handled at the Khag level. If not, Khag Syana would schedule a meeting of Khumdi for further resolution.

At the Khag level, the decision from the village Khumdi was reviewed. If deemed unfair, the Panchs from the village would be questioned and could face reprimands or fines. Additionally, a village could be socially boycotted if it did not accept the Khag Panchayat's decisions. The main hearings at Khag Khumdi began only after these preliminary matters were addressed. Both parties were given a chance to discuss the case thoroughly, and efforts were made to ensure fair outcomes. If there was further disagreement, parties could face social ostracism, although permission was often granted to appeal to a higher Khumdi.

If someone wanted justice at Khat Khumdi, they needed to register a case for a small fee. Khat Khumdi, regarded as a higher court, aimed to resolve cases before formally meeting. Sadar-Syana coordinated the meeting by alerting village Syanas, who then informed their communities. Khat Khumdi took place at the location designated by Sadar-Syana, who led the proceedings. The first order of business was to confirm decisions made by the Khag Khumdi, and if there were grievances regarding those decisions, the responsible Panchs would be questioned. Should Khat Khumdi find the prior decision unjust, penalties could be imposed on Panchs. If Khat Khumdi's authority was rejected, socially boycotting those villages could occur until a public apology was made. Generally, the Panchs acknowledged their mistakes and accepted their responsibilities. During discussions, members were encouraged to share their opinions thoroughly, and, if necessary, one or both parties could be temporarily removed to facilitate more open dialogue and avoid further conflict. After careful consideration, Khat Khumdi announces its decisions, which most people accept. If a decision cannot be reached in a day or if Khat Khumdi hears the same case several times, food must be provided for the Panchas. This food arrangement must alternate between the two parties involved the plaintiff and the defendant. Both parties must provide food items and a goat, known as 'Boro-Bakra,' at the Khumdi site. The goat and food must be equally weighed and shared between both parties. Khumdi will continue until a resolution is found. If a party does not accept the decision, they have the option to go to court, but in some serious cases, social ostracism known as Tyada can occur, where the person is not allowed to enter their home until they call for the Panchas again and apologize publicly. The Panchas aim to prevent anyone from experiencing Tyada.

For disputes involving two villages, a joint Khumdi is held with representatives from both villages, called Syanas. This is known as an Antaryam Khumdi. If the issue is unresolved during this joint meeting, the aggrieved party can ask for a Khag Syana to conduct a Khumdi. If there is still no resolution, a Khat Khumdi can be arranged. If both villages belong to different Khats, separate Khumdies will be held a distance apart to prevent conflicts, and each will make its decision based on its needs. The decisions are then communicated between the two Khumdies. Such joint Khumdies between multiple Khats are rare and only happen for special events or issues.

When both parties disagree with the Khumdi's decision, the matter is resolved by invoking the deity. One party, deemed dishonest by the Panchas, is required to take an oath in the temple, called Devghadna. The party taking the oath must receive money from the other party. It is believed that a person who falsely swears will face divine misfortune. Therefore, taking an oath is considered a last resort after all other attempts fail. A deposit called mauchokada is required from both parties before going to the temple for the oath, ensuring that no one can refuse to take it. In case of refusal, the Khumdi can reclaim the deposited amount, but often, the members advise against taking the oath altogether to maintain the seriousness of such an act.

In 1849, A. Ross established a code named 'Dastur-ul-Amal' for the judicial system, recognizing customs among the people. The code permitted decisions by oath only as a last resort, with Mahasu Devta's temple in Hanol viewed as the most sacred place for this practice. Nowadays, taking an oath is nearly banned, but the belief endures that those who lie during an oath must later seek forgiveness and still face difficulty in being free from their sin.

During the British rule, Syanas held significant influence due to their legal rights. However, social and moral pressure existed on them to ensure justice for ordinary people. In examining the acceptance of traditional Panchayats, perspectives from different groups ordinary citizens, traditional Panchayat representatives, and modern three-tier Panchayati Raj representatives indicate that, even without legal validity today, the people of Jaunsar Bawar still trust the Syana and Khumdi systems. These Panchayats are appreciated for allowing aggrieved parties to register complaints at any time. In most cases, Khumdi is seen to provide justice quickly, fairly, with minimal cost and time. Given the historical roots of these systems within Jaunsari society, there exists a strong emotional connection to them. Hence, despite established constitutional judicial systems, traditional institutions like these continue to hold the confidence of the people, coexisting alongside the Panchayati Raj system.

CONFLICT OF INTERESTS

None.

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