

## TRADITIONAL POLITICAL SYSTEM: CUSTOMARY LAWS AND SOCIAL CONTROL IN A PARTICULARLY VULNERABLE TRIBAL GROUP OF ODISHA, INDIA

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**Abstract:** This ethnographic paper documents the customary practices of Chuktia Bhunjia tribe of Odisha relating to marriage, divorce, life cycle, properties inheritance, ecological relationship, etc., and associated customary laws and punishments on beaching those practices using anthropological techniques largely interview, case study and narrative approach. The nature of crimes and consequent punishments given to the accused have also been elaborated with substantial case studies on incestuous, adultery, killing of cow, violation of marriage rules, etc. While understanding persistence of such customary practices and laws, attempts have been made to understand any factors shaping the persistence and changes in their customary laws; and discusses how the interplay of material culture, purity-pollution and customary laws have becoming a mechanism of social control and social interaction till today despite intervention of statutory laws. This study found that customary laws play significant roles in maintaining social cohesion within society. Yet the way Chuktia Bhunjia have instituted their system of governance via-a-vis custom shows that patriarchy is in operative where women are always found to have been from public participation and decision making in which not only their freedom or autonomy is controlled but their rights, entitlement and life are subjugated in the force of custom. Therefore, the assumed egalitarianism of tribal society is proved to be false in the context of Chuktia Bhunjia.

**Keywords:** Customary court, institutions, crime, punishment, justice, inheritance of properties, material culture, identity

### INTRODUCTION

In every society, relationships among individual are regulated by a body of norms, customs, laws, taboos, traditions, values and moral standards. Such norms- oral and written- are although viewed as a framework to control clandestine behaviour of individual or group of people, these always offers a background to the system of government. However, imposition and function of these laws enormously vary from society to society. The system of government among the tribal societies reveals a differential explanation that are usually structured based on the ways they arrange their socio-economic life. There are differences of such norms and laws between those tribal groups staying relatively geographically isolated areas and those living closed to so-called mainstream society. Therefore, in certain groups highly centralised unitary systems are reported against decentralised federal systems in other groups. Yet, the common features of governance in both groups are surrounded

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with similar domains, that is, settling disputes, inheritance of properties usually land, access to local resources, social interaction, etc. Despite being attempted to influence formalised legal system, many of their social and cultural practices continue to be regulated by traditional or customary laws that begs certain questions as to why they remain hitherto at traditional political system.

Literature shows that existence of customary law is a well-established fact in many tribal societies. Studies on domains of political structure portrays that tribals in India have diversified governmentality, most being the presence of ‘village council’ based on lineage, clan; and ‘intervillage council’ based on geographical affiliation (Singh, 1993; Sinha and Das, 1999; Soni, 2000; Arjjumend, 2005; Kapoor et al, 2020). The authority and power vested to village council in many instances are either based on ‘age-set’ (Sinha and Das, 1999; Panda, 2004; Pereira, et al., 2018.) or unanimously selected people with specified quality (Ranjan 2013). Both the councils are found to intervene in various domains of tribal practices including marriage, sex, divorce, land right, property inheritance, family disputes, etc. and summon judgement and punishment for violating those customary practices. Accordingly, they have constructed their own notion of crime and mechanisms to control these (Deb *et al.*, 1970; Sinha and Das, 1999; Hansdak, 2014; Deka, 2020). Scholars interpret customary laws as a mechanism to maintain solidarity and social order (Gupta, 2002; Mohanty and Mohanty, 2009; Aye and Sangtam, 2018) and as an identity (Gupta, 2002; Xaxa, 2004; Roy, 2005; Upadhya, 2009; Mukherjee, 2018). However, looking at the exclusionary nature of the customary laws in some tribal societies particularly in term of gender restriction in socio-economic spheres and of right to land ownership, scholars conceptualise customary laws being ‘patriarchal’ (Kishwar, 1987; Vitso, 2003; Pereira, 2007; Parwez, 2012; Sitlhou, 2015; Rai, 2016; Saboo, 2020; Kumari, 2021).

Given such interpretation over the nature of customary laws among tribals in India, there are longstanding discourses about the influence of statutory laws, especially Hindu Marriage Act and Hindu Succession Act on customary practices. It is argued that Hindu Marriage Act, 1955 cannot be applicable to the scheduled tribe with a fact that Section 2 (2) of the Hindu Marriage Act, 1955 clearly excludes the members of any scheduled tribe within the meaning of clause 25 of Article 366 of the Constitution unless Central Government by the notification otherwise directs. So, tribal not being a Hindu, linking tribal customary laws about marriages with Hindu Marriage Act does not justify any meaning (Rao, 2005; Kurup, 2008; Pereira et al., 2018). Similar argument is also raised in the context of Hindu Succession Act 1956 where tribal customs do not allow any of its members with regard to inheritance of properties. The question on why do statutory laws failed to influence the tribe is only answered through existing custom, tradition and practices. However, a change is noticed in term of participation of tribals in the state political system after the introduction of Panchayati Raj, traditional political units still survive (Ranjan 2013;

Zhimi, 2019). Therefore, it calls upon to understand the tribal laws, both as a separate entity and within a wider framework of formal state laws, towards comprehending the system of governance. Besides, the nature of studies so far conducted with regard to customary laws of tribals are surrounded around political organisation, dispute resolution largely in connection to the marriage and inheritance of properties; and comprehensive study as to how material culture and notion of purity-pollution determine the practise of customary laws is scanty.

With the above background, this paper describes the traditional political system of Chuktia Bhunjia, one of the Particularly Vulnerable Tribal Groups (PVTGs) of Odisha. It documents the customary practices of Chuktia Bhunjia tribe of Odisha relating to marriage, divorce, lifecycle, properties inheritance, ecological relationship, etc., and associated customary laws and punishments on beaching those practices and tries to understand how customary laws shape their social interaction, food consumption, dressing, education and ecological behaviour. While trying to understand the role of cultural institutions, attempt has been made to ascertain how material culture and notion of purity-pollution have continued to enforce people to practise those behaviour followed by an understanding of the self-notion of crime and punishment. It also describes the nature of punishment for breaching the customary rules with substantial case studies. It tries to understand the interplay of customary laws, material culture and social relationships among them.

### **PEOPLE: THE CHUKTIA BHUNJIA**

Bhunjia is one of the tribal groups distributed in central India. They are divided into two broad social groups: Chinda Bhunjia and Chuktia Bhunjia (Pattnaik, Mohanty and Sahoo 1984). In Odisha, Bhunjia are reported to have settled majorly in Nabarangpur, Mayurbhanj, Nuapada and Baleswar district with a total population of 12350 with 1012 sex ratio and 44.93 literacy rate (Census, 2011). The Chuktia Bhunjia (the subject of the present study) inhabit only in Nuapada district (undivided Kalahandi). Chinda Bhunjia are also known as Oriya Bhunjia because they follow the culture closed to general Oriya culture and thus forms the acculturated section of the tribe. Chuktia Bhunjia, on the other hand, exclusively inhabit in Sunabeda Wildlife Sanctuary of Nuapada district and is identified as one of Particularly Vulnerable Tribal Groups (PVTGs). According to a base line survey by Ota, Mohanty and Mohanty (2020) their total population is 3086 (1593 male and 1493 female from 938 household). They live in 35 villages/hamlets of SWS. With a sex ratio of 937, the literacy rate of Chuktia Bhunjia is estimated 24.54 (29.14male literacy and 20.00 female literacy). They belong to Dravidian language speaking group (Russel and Hiralal 1916) who speak Bhunjia dialect (mixture of Oriya and Chhattisgarhi) among them and local Oriya for inter-group communication. Although they were reported to practice hunting-gathering form of economy, inclusion of their habitat into the protected area forced them to become settled agriculturists still, collection

of minor forest produces (MFPs) constitute important source of livelihood. They are animistic in nature and worship various natural phenomenon.

### RESEARCH METHODS AND APPROACHES

The present study was conducted among Chuktia Bhunjia, one of the PVTGs living in Sunabeda wildlife sanctuary located in Nuapada district of Odisha (1) to document the customary laws and practices, (2) to explore how customary laws shape social interaction of people in their society, (3) to understand the change in the customary laws and its associated factors. The data for the study were collected during 2020-2021. The study was exploratory by nature and followed a descriptive design for presentation of the findings. Relevant anthropological methods and tools were used to elicit primary information. Data regarding political structure, authority, power, customary laws about marriage, sex, property inheritance, crimes etc. were collected using formal interview. Few group discussions were also conducted to understand the domain and dimension of usage of customary law in general context and in specific context relating to marriage dispute, divorce, crimes, property inheritance and land tenure systems. To understand the various contexts under which the customary law operates, emphasis was laid upon gathering adequate case studies to suffice objectives of the study. Since outsiders are not allowed to participate directly in their socio-cultural life because of their perceived notion of 'purity and pollution', quasi-participant observation method was also used during the fieldwork particularly to capture not only the participation of women in their socio-political sphere but also to understand the customary judgement. Therefore, a mere quasi-participation in different social meetings helped us to comprehend the functioning of their society. The changes in the customary laws and responsible forces were also documented and attempted to understand whether any change in customary practices have impacted on their economic and structural relations and socio-cultural behaviour.

### POLITICAL UNITS

The Chuktia Bhunjia of the study area have traditional governing body consisting of *Bhal bhai* (village headman), *Munsi* and *Gana*. *Bhal bhai*, the village headman, is entrusted with a substantial authority and myriad responsibilities to maintain the tranquility in the village. Traditionally, his role is to preside over the village meeting and persuade the matter to public for decision. He plays a crucial role in all village festivals, ritual and in settling village disputes. This post is hereditary in nature. *Munsi* is the messenger of the village. He takes message to other villages when needed. *Gana* (a person from scheduled caste), is also part of Chuktia Bhunjia's traditional village structure whose role is only to assemble villagers to the village meetings. He is the informer to the *Bhalbhai* regarding the offence, and the general situation of the village. The post being hereditary. His family is given few acres of

cultivable land for their survival. Besides, he is also given few grains, especially paddy at the end of the harvesting season for his rendered service.

Besides, they have instituted two centralized political structure to regulate the people of their society: village council and inter-village council, each having a group of people representative with authoritative power. Yet, kinship based political structure always constitutes a primary unit in adjudicating decision regarding conflicts in which an affine is first consulted to settle the dispute. It is reported that each clan affiliate with other one or two clans for social interaction who usually make decision of each other regarding social interaction where one become helping hand to another usually in the matter of dispute settlement and become pathways of social interaction especially during life cycle phases. The village council (*Panch*), an independent political unit, is existed in all villages with its own representatives. Its members consist of a group of elderly male persons from each clan residing in a particular village.

The village council sits as and when needed. It is not obligatory for all the villagers to present in the meeting but the case is summoned by the members of village council in the presence of other elderly members. Women do not participate in any meetings. Village council plays an active role in settling disputes concerning marriage, divorce, land, family conflicts, etc. and controls any deviant behaviour reported in the villages according to instituted customary laws. The village council does not work in isolation rather in case any dispute is not settled, it approaches to inter-village council (*bad-samaja*) for discussion and judgement.

Thus, inter-village council is an extended village councils having different structure than village council. It is territorial in nature largely formed by a number of adjacent village councils. At present three intervillage councils are at function among the Chuktia Bhunjia each having similar by-law. The governing members of each inter-village council are unanimously elected by the members of village councils. The head of the council is called *sabhapati* who is entrusted with power to hold meeting as and when required and presides over the council meeting. The other office bearers are secretary and messengers who are vested with different roles to perform and are selected on the basis of qualities like age and wisdom. The authorities enjoy fixed term of power. The council also sits in every five years to settle pending works and to discuss various matters including reconstruction of office bearer, if required. The council also sits in emergency if village council fails to settle any disputes.

The Chuktia Bhunjia, however, do not show much class differentiation except those occupying position of *Bhal Bhai* (village head) *Pujhari* (religious priest), *Chhatria* (who carries the shrine of Goddess sunadei during festival) and *Kotria* (who sacrifice goat and hen during festival), and *Mukkadam* (revenue collector of erstwhile Khariar zamindari); certain individuals do enjoy social prestige in the merit of their personal qualities, distinctions and attainments. For example, magico-

religious practitioners, shaman, and herbalists always enjoy special status, but do not always exercise any authority in the tribal matters unless asked. It does not mean that their knowledge is not considered as tribal matter; rather it may simply because they are not the member of village council.

### CUSTOMARY LAWS, INSTITUTIONS AND PRACTICES

The Chuktia Bhunjia have developed a number of institutionalized practices to govern their members about social interaction and control people's behaviour as well. Before describing different customary practices, let us give a short description of their *Lalbangla*- the kitchen room- an important material culture that shapes their socio-economic life including food consumption, collection of MFPs, education, access to healthcare services and social interaction. *Lalbangla* constitutes an important part of their housing structure. Each nuclear family possess own separate *Lalbangla*. The term *Lalbangla*, derived from two words 'Lal' meaning red and 'Bangla' meaning room. It is built up of mud, wood and thatched with wild grasses exclusively *Singkhar* (*Pennisetum purpureum*) and *Dabkhar* (*Imperata cylindrical*) and splashed with red soil. So it is red in color. It is exclusively used for cooking. It consists of single rooms, berefting of window, having a hearth in a corner and place of worship the deities. Sometimes a plinth like structure is also made to keep the utensils in front the hearth. At its entrance, a husking tool (*Katen*) made up of trunk of Sal tree (*Shorearobusta*) is almost visible in almost every *Lalbangla* specially to husk paddies and cereals with a long stick with iron at one end (*mussel*). Its doors are made of wood or *Gandhla* (*Anthistirla ciliate*) (a variety of grass found on river bank). Sometimes, two woods are fixed on the ground and a plat wood over it, at its entrance, to keep utensils in the daytime; although people now prefer to make plinth like structure in the front side for this purpose. The floor is plastered with mud and cow-dung. The walls are splashed with a locally available red soil (*Ratamiat*). The *Lalbangla* is considered as a sacred place for Chuktia Bhunjia because they worship their deities inside it.

The foremost practice attached to their *Lalbangla* is that no 'outsiders' except of their own people can touch it otherwise the *Lalbangla* is immediately set fire with a belief that outsiders are 'impure' and may defile their home deities. If it is the case, they dispose-off cooked food, hearth, mud vessel and immediately inform to the village council about the misfortune. The concerned household is exiled from social interaction until the family members are ritually purified and a new *Lalbagla* is constructed. The family members go to nearby river to take bath. A coconut or a chicken or pigeon is immediately sacrificed to their home deities to forgive the person who touched the *Lalbangla*. The household manages to cook their food in the courtyard for few days. Gradually foundation is laid for new *Lalbangla* by fixing a branch of mahua tree little away from the old *Lalbangla* and a bunch of *Imperata cylindrical* leaves are left over there. Once it is ready to use, they ask their

affine and a person from Barik clan along with elderly male members of the village to purify the new *Lalbangla*. The Barik purifies the new *Lalbangla* by sprinkling milked water mixed with blood of sacrificed hen in a *Sunari*(*Cassia fistula* L.) leave. He also sprinkles the same over the members of concerned household. “We are Chuktia Bhunjia which itself indicates *Chuk* meaning pure. We worship our ancestral deities inside *Lalbangla*. We consider peoples of other communities, our own married daughters, our women during lifecycle phases as outsiders. Their entrance may destroy the sanctity of our sacred *Lalbangla*. So we restrict them from entering into it” narrated an old women from Sunabeda village. The other characteristic of *Lalbangla* is that no one is allowed to thatch their *Lalbangla* with tiles other than locally available wild grass, otherwise the accused household has to face the village council as to answer why they went beyond cultural practices or may be imposed monetary penalty or a community feast or both, although no such cases are reported till date.

The Chuktia Bhunjia have also instituted certain customary norms about interaction of people within and outside society. The important norms shaping their interaction are seen in term of food taboo, dress patterns and notion of outsiders. As regard to food taboo, the Chuktia Bhunjia are customarily allowed to eat raw rice (*arua*) only. In case they prefer to eat boiled rice, they boil paddies inside *Lalbangla*. So they are not allowed to eat boiled rice available in the market. It is one of the reasons why they sometimes refuse to accept boiled rice supplied under public distribution system (PDS). It is customary for pubertal girls and married women to have food cooked in *Lalbangla*. Thus, it is a usual practice among Chuktia Bhunjia that when they go out of their home for a day or two, they take utensil and food items with them the detail of which has been elaborated in due course. If they go to local market, they do not purchase any cooked food items. The girls after *Kanbiha* (pre-puberty marriage) are socialised to eat food cooked in *Lalbangla*. *Kanbiha* is a lifecycle rite in which a girl marries to an arrow or a mahua tree as her token husband before she attains puberty. The detail of this rite has been elaborated later when dealing with the life cycle practices. The school going girl children are even suggested to have food at home which become rigid after puberty. There is a difference in food eating behavior between men and women. Men generally eat first and the women later even in the same plate without washing. It is observed that during community occasions including pre-puberty marriage, marriage, mortuary rituals, etc. food is cooked by the unmarried young and in no case married men are allowed to cook. The women participants in any occasions are served with a caution that the utensil used to serve them food are not brought back to the *khandasal* (big hearths used to cook food during occasions) which they believe may bring misfortune in the society. The married girls, who are considered as ‘outsiders’ because of their belongingness to other clans, are also not allowed to have food cooked in their parent’s *Lalbangla*. It is believed that her acceptance of

food cooked in parental *Lalbangla* may defile the sanctity of her husband's clan. Therefore, during marriage ceremony, before the bride is taken to the marriage spot (*modo*), her elder brother brings her to *Lalbangla* and gives a fist of turmeric mixed rice requesting her to bow heads before the home deities by throwing the rice over worshipping place. Her elder brother also suggests her not to enter to the *Lalbangla* if she visits to parent. Thus, in case a married girl visits her parents, she cooks her food in the courtyard.

There are also other ways of construction of 'outsiders' among them. Anyone going outsider for longer period is considered outsider and is required to go through a ritual purification. They believe that person going outside for longer come into contact with many people and become polluted. Their entrance to house in general and *Lalbangla* in particular may bring misfortune in the family. Since last few years, Chuktia Bhunjia Development Agency (CBDA), a micro-project runs by Government of Odisha since 1994, takes few Chuktia Bhunjia to participate in the *Adivasi Mela* (Tribal Festival) held at Bhubaneswar, the state capital during January-February. They sell their tribal products in the festivals including cereals grown in sanctuary areas. While interacting with them at Adivasi Mela, it was learnt that they are accommodated in hostel along with other tribal participants across state. Over the question on how the Chuktia Bhunjia participants specially women and girls manage their food during festival owing to their social restriction on food consumption, one of the participants named Sabitri from Bhosil village shared that although they share the room to stay- male and female separately- they cook their individual food. They either use the utensils given to them or brought from home. The cooked food is consumed by both male and female participants from their community. Once they return to their village after festival they do not immediately enter to the house or *Lalbangla* rather keep their luggage in the courtyard and directly go to river or pond to take bath. All the used clothes are also washed. An affine is then invited to purify him/her in their respective home who gives a spoon of water and milk mixed with blood of sacrificed fowl in a *Sunari* leave to the person to drink as a form of purification. The affine also sprinkles the same over the person before allowing them to enter into the *Lalbangla*.

Similarly, any Chuktia Bhunjia adopted to mainstream culture such as wearing of colour dress, footwear, eating outside food, etc. are also considered as 'outsider'. Those families are abstained from touching the *Lalbangla* of other households. Nevertheless, anyone wishing to return to Chuktia Bhunjia group are to undergo ritual purification as done in other cultural disobediences. Prasad Mallick of Barkot village lives with his wife and three daughters in the same courtyard with other brothers. He married to a Chinda woman. His wife followed the Chuktia Bhunjia culture for long. As his daughters grew up, he wanted his daughters to go to the school and get better education. He allowed his family members to wear foot wear, colour dress and consume outside food. He did not follow *Lalbangla* culture and



become outsider for Chuktia Bhunjia people. Thus, his family kept them away from entering into the *Lalbangla* of his brother and other neighbouring. He is now expressing his willingness to come back to the Chuktia Bhunjia fold and wanting his daughters to marry Chuktia Bhunjia boy. He said that upon approaching marriage time of his daughters he will construct a *Lalbangla*, undergo a ritual purificatory and give a feast to the village council before readmission to the Chuktia Bhunjia community.

Along with these, the school going girls and working women are also considered as ‘outsiders’ by the Chuktia Bhunjia. It is customary among them that pubertal girls are neither allowed to go to school nor to do any paid job otherwise the accused family or the girls/female are temporarily ostracised from the community. It is because they opine that there is a high probability of intermingling with other caste peoples by going to school or doing job outside as a result their entrance to *Lalbangla* may contaminate their societal value and cultural sanctity. However, some of them dared to face the village council by sending their daughter to school. During initial visit to the Chuktia Bhunjia area long back in 2005, appearance of matriculation examination by three Chuktia Bhunjia girls were talk of those days over the sanctuary area. Triveni Chhatria (26) of Junapani village, one of those three girls, recollecting those days, shared,

“My father wished I should study as far he can afford. Till 6th standard, I used to go to the school wearing a *Kapta* (local saree usually meant for small girl) without blouse. But in class 7th I did not feel comfortable. So I switched over to school uniform. I also started wearing footwear. Thus senior members of our village threatened me and my friends. Once I appeared 10<sup>th</sup> examination, there were sensation as I breached the customary law. My family members were even excommunicated for few months but after a feast we were readmitted. Since I wanted to be a school teacher, I am now but exiled from social interaction by order of village council. Still I balance my profession and obeyed the order”.

Jayashree Jhakar (24) of Junapani village had also similar story. She explains: In our society girls are considered social burden. So parents always try to marry them off as soon as possible. But I requested my father to allow me to continue my studies. He agreed. But due to poverty, my parents could not afford my school expenditure, even for making my school uniform. So sometimes I used to go to the forest for collecting minor forest produce and save a little money. I used to go to school wearing *Kapta* with other three- four girls. However, looking at the female NGO workers I took interest in wearing footwear and inner wear. When I returned to home after exam along with Triveni and Chandini no other girls from our village were ready to talk to us. The village council asked my father and the fathers of the other two girls to explain the cause for breaking the rule. If I would have passed 10th exam, I would have gone for further studies”.

Chandini Chhatria (24) of Junapani village, younger sister of Tribeni Chhatria, recollected the incidence happened when she appeared 10<sup>th</sup> examination. She narrated:

After my pre-puberty puberty, my father suggested me not to go to school simply to fulfil the mandate of custom, although he was in a position to afford my school expenditure. I requested him that I should study more. He agreed after initial reluctant. My mother always supported me. As wearing of *Kapta* is mandatory after *Kanbiha* I obeyed it till 7th standard. But I felt uncomfortable in high school. So I started wearing school dress and footwear. My father was threatened to be exiled from social interaction. My parental uncle also kept away from us. Of course, I breached my customary laws because I wanted to change people's mindset. I am now appointed as Auxiliary Nurse Midwife (ANM) by government. I am exiled from community interaction but still struggling to make people understand the value of education and health.

The women and grown-up girls in Chuktia Bhunjia society are also restricted to take up any form of government jobs otherwise they have to answer the village council. The violation of this rule leads to two possibilities: First, the family is temporarily put out of the community until a communal feast is expiated. Second, the accused person is temporarily ostracised from the family interaction until he/she leave the job and go through ritual purification. The best examples of this kind are documented in Barkot and Junapani village. Tribeni Chhatria, whose father was once put out of the community because of her schooling, married to Birsingh Mallick of Barkot village. She being matriculated educated and eligible for teachership, she was offered to work with Educational Complex, a residential school run by the CBDA under Government of Odisha. The complex was established in 2009 at Salepada to impart free education to the Chuktia Bhunjia girls. All the teachers of Educational Complex, appointed by CBDA, are from the Chuktia Bhunjia communities. Birsingh is also matriculated and appointed as teacher in the same Educational Complex. Villagers did not create any sensation when Birsingh worked there. It was with Tribeni only. Birsingh's father was asked to answer the village council for violating the customary law. Later, it was summoned that Tribeni can neither participate in the communal festival nor any functions both at community and family level until she quit her job following a ritual purification. It was not possible for her to quit job. At the family level, she is now restricted to enter into the *Lalbangla*. She is given food cooked in *Lalbangla* but her left out food and used plates are not taken back to the *Lalbangla*. Tribeni's sister-in-law was later put in Ekalaya Residential Model School (ERMS), Khariar Road, a centrally sponsored residential school run by Government of Odisha, to study high school who also shared the similar story and thankful to Tribeni for encouraging her for further study. Her father-in-law said that his daughter will be purified by a member of Barik clan in the presence of affine group before her marriage, as done in other cases followed by a community

feast, to be accepted as a member of Chuktia Bhunjia group.

We met her after she become mother of a baby girl. Asking her about the status of her child, she being 'outsider', she said that her children need not have to face any social disabilities because of her rather can lead normal life. But the family requires to expiate a feast to the village council before she returns to the community.

The story of Chandini is very pathetic. She passed her 10<sup>th</sup> examination along with her sister Tribeni. She opted to become Auxiliary Nurse Midwife (ANM). CBDA helped her in this regard. She got appointed as ANM in the year 2012 in the Sunabeda Gram Panchyat with additional charge of Soseng Gram Panchayat. Once she become ANM, the issue of impurity re-raised among the elderly members of the locality. There were great sensations on her purity and breaching of customary rule. Her father was asked to give penalty for breaching the customary norms. This led Chuktia Bhunjia to organize inter-village council at Junapani village to summon Chandini's case but become an unsolved issue till date. In an informal interview with Chandini, she said that her parents were initially excommunicated but after a penalty they become part of Chuktia Bhunjia group. She, like her sister Tribeni, leading excommunicated life. Their village council has also summoned that no Chuktia Bhunjia boy would marry her until she quits job and ritually purified.

About attire, the Chuktia Bhunjia have their own peculiar dress pattern. Traditionally, men wear a piece of cloth like *Lungi* and *dhoti*. Some peculiarities are marked in the dress patterns of women. Women and pubertal girl are restricted wearing petty coat, sayaa and blouse. Girls after *Kanbiha* are advised to wear *Kapta*- a small saree. Married woman blessed with child is compelled to wear white saree otherwise is considered disobedience to culture. There are two reasons behind it: (1) color saree is the seat of Goddesses; (2) Goddess Sunadie was scolded by her big brother Budharaja because she was pregnant due to illegal relation. So, she hibernated herself for shorter duration to get rid-off insult. She was wearing white saree during that time which is being followed by Chuktia Bhunjia women. Similarly, it is taboo for Chuktia Bhunjia to wear footwear. They believe that shoe or footwears are made of leather and wearing these may affect the sanctity/ sacredness of the deities worshipped in village territory. Therefore, if any government officials visit Sunabeda, the older people ask them to remove the shoe or keep at the entrance of the village. People are also seen to carry their footwear to cross the shrine region because of the fact that the shrine of Goddess Sunadei is located at the centre of village. Although the present generation have started wearing footwear recently, it is prohibited to the women and girls. The reason is unclear but girls wearing footwear is perceived being portrayal of misfortunes in the family. The pubertal girls not wearing *Katpa* is perceived being disobedience to customary laws. Similarly, Chuktia Bhunjia is customarily neither allowed to use any form of cot for sleeping nor to sit over pestle considering these as seat of goddess *Sunadei* instead they use a self-made mat for sleeping on the ground.

There are certain customary norms surrounding *Lalbangla* that determine people's behaviour at time and space and have direct pathway to the construction of 'purity and pollution'. For example, it is taboo for women to touch *Lalbangla* during perceived pollution periods- child birth, monthly menstruation and puberty. The Chuktia Bhunjia believe that the blood discharged during these periods is impure and may taint the deities because of which, a delivering woman is immediately secluded to the main house or a special hut meant for delivery. No male member except her husband is allowed to enter into the delivery place. Female members usually birth attendant (*dai*) and mother-in-law help the woman in delivery of child and take care of both mother and child. Since the delivering mother is considered pollutant and impure so as the birth attendant and mother-in-law and therefore remain away from *Lalbangla* for a month until a purification rite is performed. The father of new born cuts the umbilical cord immediately after birth with an arrow and buries it in front of the main house to avoid it from being used for black magic or sorcery. Until the purification rite is celebrated, the mother is restricted to go to the sacred places like pond, forest and grooves. Thus, she takes her birth in the kitchen garden for whole month. Food is served to her in a leaf plate. After a month, they perform a purification rite called *Hanichhia/Chhati*, in which an invited female affine makes her touch *Lalbangla* after sacrificing a chicken and offering a leaf cup of mahua liquor to their home deities. Her entrance into the *Lalbangla* signifies that she is free from pollution.

The above narration indicates that customarily Chuktia Bhunjia do not prefer institutional delivery of childbirth rather by traditional birth attendant (*dai*). In many times although mother-in-law play the role of *dai*, each Chuktia Bhunjia village has two or more *dai* who render her service voluntarily. Putting it in other words, since government doctors are considered 'outsiders' largely because of their caste background, consultation to doctor for childbirth is perceived to bring misfortune in the family and the child may always fall sick. So the culturally defined purity and pollution always obstructs them not to rely on the modern medical facility for child delivery rather than *dai*. Certainly, there are instances of violation of customary norms related to childbirth by relying on the hospital. Those availed the hospital were considered to be violators of customary laws and were asked to give a fixed monetary penalty and a feast to village council. It many times forces people to remain hitherto at their tradition practices. In Sunabeda village, Babita Mallick (disguised name) had a hectic labour pain during the childbirth. She was unable to bear the pain and the birth attendant also could not handle the case. So her husband immediately asked the female nurse available in the village. Nurse injected her pain killer and helped her to deliver the baby. After seven days, her husband was asked to explain the reason for violating the norms and imposed monetary penalty and a feast to village council. Since he was unable to pay the penalty and arrange a feast immediately, the family was put out of the community until pay the penalty.

After a month, the family was readmitted into the community after having a feast.

It is also a customary practice among the Chuktia Bhunjia to perform a pre-puberty marriage rite known as *Kanbiha* in which a girl marries to an arrow or a mahua tree as her token husband before she attains puberty. *Kanbiha* of a group of girls from a lineage is also sometimes performed. If a girl attains puberty before *Kanbiha*, the girl remains excommunicated from the social interaction in term of not getting married, participating in any social functions, entering into sacred grooves, washing feet of deities, etc. Earlier the girl menstruating before this rite was tied in a mahua tree (*Madhuca indica*) until her maternal uncle rescue her. The girls after this rite although are entrusted with taboo, it determines the status and role of the individual girl and influences her social behaviour including dressing pattern i.e., wearing of *Kapta* as noted before. Although *Kanbiha* is not exclusively linked to *Lalbangla*, the relationship of a girl with *Lalbangla* become rigid after puberty and therefore *Kanbiha* can be viewed as a way forward towards learning *Lalbangla* culture.

On the onset of puberty, it is customary among the Chuktia Bhunjia to seclude the girl in a corner of house for one month because she is considered impure and pollutant during this period. No male member should see her until she undergoes a purification ritual usually after a month. She is assisted by a female member of the household or father's sister or mother's brother's wife during this period. Food is also usually served to her in a leave plate which is put into garbage after eating. Pubertal girl is prohibited from touching *Lalbangla*. She takes bath in the kitchen garden in early morning before any person woke up. After a month, her father's sister or mother's brother's wife (*Aata*) arranges a mud vessel and puts few cereals into it. She takes the pubertal girl with her to river stream. The girl shoulders the mud vessel filled with cereals and on reaching there, the girl makes a hearth and washes her clothes in the hot water after which she goes around the hearth seven round and breaks the vessels. She then takes her bath by applying soap and oil-mixed turmeric. She wears a now cloth and on returning home, she goes straight to mother's brother house or related to her in classificatory term. On reaching there, *Aata* gives her a brass pot filled with water which she brings to her home. After sacrificing a fowl and pouring a leave-cup of local liquor to their home deities, the girl bows her head before the elder and directly enter into *Lalbangla* to cook food in a new vessel. Her entrance signifies that she is free from pollution and her relationship with *Lalbangla* is changed. She is thereafter taught the customary norms and value of their society and *Lalbangla* that include eating food cooked in *Lalbangla*, eating in *Lalbangla*, washing feet before entering into *Lalbangla*, etc. Any violation of those norms requires a cultural purification of the girl by a member of an affine group.

The Chuktia Bhunjia also perceive monthly menstruation (*Maskia*) as impure and the women are considered pollutant for five days. So, they are abstained from

entering into the *Lalbangla*, cooking, household chores and collecting MFPs from forest and sacred grooves. She is also restricted from entering into the cowshed because it is perceived as a sacred place and abode of Goddess *Mirchuk*. She is suggested to take bath in the river stream because they believe that river water washes the dangerous blood. She is served food in a leave plate which is put into garbage after eating. The woman who serves food to the menstruating woman, usually in a leave plate, must take care of the fact that she does not touch her. The use of any materials used by the menstruating woman during this period is perceived to defile the other members and *Lalbangla*. Therefore, the menstruating woman is suggested to hang her used cloth in a separate hanging place. After five days, she takes her bath, by applying turmeric paste and oil, in a river stream and directly goes to an affine house where a non-menstruating married woman gives her a leave cup of water to drink as a form of purification. The non-menstruating woman here means the woman who is not in a menstruation during that time. She then brings water from well and directly enters to *Lalbangla*. Any breach of menstruation norm is believed to punish by the supernatural in term of attack by deities or death of livestock.

In a similar vein, the Chuktia Bhunjia's relationship with *Lalbangla* also gets change in case of death of any person. Until they perform mortuary ritual usually in 10<sup>th</sup> day, the clan members are considered as impure and therefore keep them apart from any social interaction. Once the corpus is buried, they demolish the kitchen hearth, mud vessel and splash the *Lalbangla* with red soil and cow-dung. They also wash all cloth in hot water. Earlier the deceased clan never used to cook till the mortuary ritual rather served by the affine group. The food served to the deceased clan is locally called *mithipej*. But now a day, they serve food for one day or two. The families of deceased clan cook their individual food in the courtyard until performance of mortuary ritual called *Penmila* or *Pitachaba* on 10<sup>th</sup> day where an affine gives a fingertip of crushed neem (*Azadirachta indica*) leave to all clan members of deceased family to eat as a token of purification. In order words, they never cook food inside the *Lalbangla* until the ritual is performed rather, they reconstruct the hearth inside the *Lalbangla* before the ritual. On 10<sup>th</sup> day, usually after the performance of mortuary ritual, an affine purifies the *Lalbangla* by sprinkling milk and water followed by sacrifice of a fowl. The clan families are thereafter customarily permitted to interact with the other groups.

The access to healthcare services- traditional or modern- particularly among Chuktia Bhunjia is also shaped by sets of customary norms because of which despite having a Primary Health Centre (PHC) at Sunabeda village to facilitate better health facilities to the inhabitant of the Sunabeda wildlife sanctuary, its access is hardly reported among Chuktia Bhunjia women despite free provision to them. It is customary practice among Chuktia Bhunjia that no females are allowed to consult trained doctors for any women-related diseases including childbirth otherwise is considered as disobedience to customary norms and a process of acculturation and

Hinduisation. The family going beyond those cultural norms has to answer the village council often penalised with fixed amount of money and communal feast as seen in the case of Babita Mallick of Sunabeda village. The fear to these norms enforces many of them specially women to remain at traditional medical practices. The accession register of PHC shows that only male are found to have consulted to doctors largely for ailments like malaria, cough, sneezing, wound etc. No Chuktia Bhunjia women have approached the PHC in last few years because of those customary norms. Chandini, the newly appointed ANM from the Chuktia Bhunjia community, although, has abled to mould few of them about the value of modern medicinal practices; the perception of doctor as outsider and fear of ostracism enforces many of them to remain hitherto at the belief-based medicinal practices. However, easy availability of medicine men adds to other causes of their reliance on traditional healthcare system.

It is customary among Chuktia Bhunjia that certain categories of kins are restricted to utter the name of other kin. For instance, father's younger brother's wife (*kaki*) does not utter the name of her husband's elder brother's children rather give them a name of her choice. Younger brother's wife also cannot name her husband's elder brother's children. There is also restriction on the part of mother-in-law to utter the name of son-in-law. Similarly, neither brother-in-law nor sister-in-law utter anybody's name. Sister-in-law also prohibited from uttering the name of husband's younger brother and sister. There is also food taboo among those kin groups.

There are also other cultural conditions determining social interaction of Chuktia Bhunjia. Anyone infected by insect (*kira-pada*) is also temporarily excommunicated till he/she is purified. According to the customary law of Chuktia Bhunjia, the person has to inform the village council about such misfortune so that the council can make an arrangement for readmitting him to the community. But after being cured, until the person gives a fixed penalty and a community feast, the person is neither allowed for social interaction nor to participate in social functions. In the fixed date, a member of Barik clan bald the person accused of being infected by insect after which he is asked to cook seven vessel of rice and throw out the same. After bathing in the river stream and wearing a new cloth, a member of Barik clan purifies the person by sprinkling milk and water over him/her. The person is then declared as free from pollution after having a feast arranged by him/her.

It is also strange to know that people from Mallick clan purify themselves if they hear any death of tiger due to poaching or naturally either in radio or any means. Since they consider tiger being their ancestor because of their mythical origin and totemic association, any death of tiger is believed to be the death of their family member. So, they perform death ritual as done in the case of family member by inviting their relatives from agnate and uterine site. Until they perform the ritual, they do not interact with the other people.

### CUSTOMARY LAWS AND ECOLOGICAL RELATIONSHIP

The Chuktia Bhunjia are depend on local ecological resources for everyday economic and cultural life but the exploitations of those resources are governed by sets up customary laws. They have also developed certain customary institutions about collection and consumption of resources. The collection of *Mahul* (*Madhucaindica*), *Tikhur* (*Curcuma angustifolia*), other edibles mango, *Chahar* (*Buchnanialanzan*), *Kendu* (*Diospyrus melanoxylon*), and preparation of land for shifting cultivation can best explain those institutions. To begin with the collection of *Mahul*, an important economic produce collected during February/March, it is observed that its collection follows a festival call *Ushabhana*-deity of *mahul* flower. The village council fixes of collection of flowers. Each household is asked to contribute a fixed amount of money so that they can buy goat and other required materials. Goat is sacrificed to Goddess *Ushabhana*. In the fixed date, *Pujhari* (religious priest) worships her before proceeding to collection site followed by sacrifice of a male goat. The Goddess is then kept in a new mud vessel to take her to the collection site. The vessel is then covered with a red cloth and shouldered by *Pujhari*'s wife. People from each aged from each household participate in collection. On reaching there, they clear a place to keep *Ushabhana*. The place is smeared with water and cow dung. Then each household occupies some *Mahul* trees to collect the flowers. Number of trees captured depends on the number of members from a family gone for collection. Thus, collection of flowers is an individual affair. They make their respective temporary hut in the collection site. They clear the place in and around the *Mahul* trees and begin to collect the flowers from next day early morning. The collection lasts for around two months and they stay in the site till the mahua flowers get reduce. During their stay in the site, they assemble each night and dance together, male on the one side and female on the other, followed by drum and songs. Collection starts from early morning to afternoon. The collected flowers are dried which are then sold in the nearby market. The traders often come to the collection site to buy the flowers. Some households sell these in village shops but said to receive low price, that is, ₹25/Kg compared to the market price, that is ₹35/kg. The Chuktia Bhunjia also keep small quantity of flowers for domestic use and to distil liquor. When the flowers get reduce, they stop collecting these and collectively return to the village. No one is allowed to collect the flowers after they return to village. The women, who remain at home welcome them and wash the feet of the woman shouldered back *Ushabhana*. They directly go to *Pujhari*'s house to keep the goddess. *Pujhari* worships her and *Kotria* again sacrifices a male goat and meat is equally distributed among them. *Pujhari* worships the deity till she is immersed in the month of *Asad* (June-July).

The customary relationship of Chuktia Bhunjia with ecological resources is also noticed from certain customary taboo associated with collection and consumption of minor forest produces. The Chuktia Bhunjia, for example, do not eat mango



(*Madhuca indica*), *Chahar* (*Buchnanialanzan*), *Kendu* (*Diospyrus melanoxylon*), etc. until celebration of *Chaitra* or *Holi* in the month of Jeth (March-April). This festival is also meant for the preparation of *dehi* (land for shifting slash-burning cultivation). In the day of celebration, both children and young of each village pull a chariot made of *Palsa* (*Butea monosperma*) flowers in the village lane. The chariot is considered as the seat of Goddess *Dharni*. In the same day evening, male members of each village assemble at a sacred grove of their respective village. They collect dried woods to make a triangular hut exactly, known as *holi*. They fix a branch of *Semel* (*Combax ceiba*) tree in the middle of *holi*. The *Pujhari* worships the village deities inside it. During this time, one of the members closes its entrance by covering it with thorny branches of trees. The *Pujhari*'s son immediately sets the *holi* fire. Once *Pujhari* comes out by any means, the head of the village cuts the fixed *Semel* branch with an axe and a chicken is left in the fire as an offering to the deities. This festival symbolises the setting fire of dried wood and bushes for *dehi* cultivation and therefore no household is allowed to start preparing land for shifting cultivation unless *holi* festival is celebrated. In this festival, *Pujhari* also offers newly grown wild mango, *Char* and *Kendu* to the village deities signifying community people are thereafter allowed to consume these fruits. *Butea monosperma* flowers, remain untouched unless *holi* festival is celebrated otherwise anybody touching the flowers before *holi* takes bath and returning home asks an affine to purify him/her as done in other cases.

In a similar vein, the Chuktia Bhunjia have instituted certain norms to collect rhizomes breaching of which is believed to punish by supernatural. For example, they collect *Tikhur* (*Curcuma angustifolia*), an important economic produce, only after *Chauldhua* (a festival celebrated to wash newly harvested rice before consumption) in November till the celebration of *Bihanchiina* or *Chaitra* (festival of eating new fruits) in March. So, this species remains untouched during April to October which they believe as its gestation period and customarily no one is allowed to collect it. They also neither plough their agricultural land until the celebration of *Akhitritya* nor do collect tubers such as *Keokanda* (*Costusspaciosus*), *Kadukand/ Pitkanda* (*Dioscoreabulbifera*) and *Kheksikanda* (*Cucumis dipsaceus*), *Pisankanda* (*Dioscoreavillosa*), *Batudikanda* (*Dioscoreaelephantipes*), and *Bhatlakanda* (*Dioscoreafoetida*) until the celebration of *Thirpuja* or *Asadkhena* festival because of similar perception. *Asadkhena* festival is also meant to pluck the weeds from agricultural field. Similarly, they collect grasses such as *Kushkhadar* (*Ischaemumangustifolium*), and *Dabkhar* (*Imperatacy lindrical*) after *Chaitra* festival till *Dasahara* in October that are used for that ching *Lalbangla*.

## CRIMES AND CUSTOMARY PUNISHMENTS

The Chuktia Bhunjia have definite periphery to define a crime and criminal activity. Any offences that are culturally unacceptable are viewed as crime and the accused

are penalised on the basis of nature of crime. The common penalty for any form of crimes is temporary excommunication from the community interaction and are readmitted once the accused persons are atoned with monetary penalty, community feast, and cultural purification together. All offences do not fall in the same category. They believe that if an accused person is left unpunished, he/she would be punished life after death. Adultery incest relationship, clan exogamy and killing of cow or bullock, going to jail, etc. are some of the acts defined as crime by the Chuktia Bhunjia, each having a different form of punishments.

The incestuous relationship, although seldom reported, is a serious offence. The punishment for this act is supernatural but the community punishment is always authoritarian. People were initially reluctant to discuss about the incest issues; but after a rumour of such case in Sunabeda village they shared the stories around them. The first story of incestuous nature shared with me was that of Phulmati (disguised name) the youngest daughter of Tile Chhatria (disguised name) of Sunabeda village. She had eloped with Raghunath, Tile's brother's son and stayed in another village for around fifteen days. The news spread around all villages of the sanctuary. There was great sensation. It created a stir in the neighbour villages. Parents of both Phulmati and Raghunath searched them and took them back to their respective home. The matter was brought to the notice of village council for summon. After a prolong discussion in three meetings the case remained unsolved for more than a year with a decision that both the families would be put out of social interaction until final summon. At household level, Phulmati was restricted from entering into the *Lalbangla* and exiled from taking food cooked in *Lalbangla*. She cooked her own food in the courtyard till the final judgement. Both their parents again approached to the village council for any decision. The matter was solved after a prolong discussion where both the families were asked to give penalty of 5001/- each besides a community feast together. The affine and Barik were also instructed to purify the family members by sprinkling water and milk in a *sunari* leaves over them.

The other incestuous nature was reported in Jamgaon village where Sabitri (disguised name) eloped with Nakula (disguised name), her father's brother's son. The rumour spread across sanctuary but with the consent of village council both the boy and girl got separated after giving a stipulated monetary penalty of 5001/- and a feast to the village council. Parents of both the boy and girl were temporarily excommunicated from social interaction but were readmitted into the community after a community feast, penalty, and cultural purification as done in the case of Phulmati. Both the families also demolished their *Lalbangla* and constructed a new one.

Killing of cow or bullock is considered another act of crime among Chuktia Bhunjia. The concerned person immediately confirms such behaviour to village council and puts him out from social interaction until he is purified and expiated a

communal feast or both. The accused person puts a *dua* (rope to tie livestock) in his neck and visits door to door so that people can easily understand his act of sin. People offer him rice and money so that he can purchase food items to cook for himself. His family members demolish the *Lalbangla*. He temporarily accommodates himself in any place, usually in school, other than his own home till he expatiates the sin. On the fixed date, the head of inter-village council, Neta Majhi from Gadbhata village, orders a member of Barik clan to purify the accused person. The person is first bald and his old cloth are thrown out and asked to wear new cloth after taking bath in a river stream. The Barik, in the presence of other elderly members of village council and affine, purifies him by sprinkling water mix with raw milk and blood of sacrificed fowl. Then each one attending the purification ceremony is allowed to take feast arranged by the accused person. He is thereafter free from sin and can participate in social functions. Two such cases were reported during fieldwork. Mukhir Barge went through such procedures to be readmitted into the community who had been ostracized on the charge of having killed a bullock while bring wood from the forest. His family was outside the normal fold of the social interaction till Mukhir was purified. He was asked to give *bidi* (local cigarette), tea, ₹ 100 as penalty and a feast. The case of Sikari Majhi of Cherechuan village, who once accused to kill a bullock while ploughing his agricultural land, is different. He did not inform to the village council. After few years while ploughing his agricultural land, the bullocks suddenly jumped for some reason as a result *kasna* (a flat iron fixed with plough) fallen on Sikari's leg. He tried to cure the wound through herbal medicine but herbalist could not heal. Finally, he had to permanently remove his ankle. Later, he disclosed his heinous work committed ten years back. Therefore, the Chuktia Bhunjia believe that punishment is always supernatural and by instituting certain customary laws in this regard, they try to arrest any such behaviour.

Adultery or sex relation with man of different castes or tribes or of same tribe is considered as a serious crime by the Chuktia Bhunjia. Customarily, adultery with a man of different caste/tribe result in the permanent ostracization of the woman along with purification of the family members by the affine clans and smashing of *Lalbangla*. Adultery with a man of acceptable category (husband's brother or cross-cousin brother) may be resolved with stipulated penalty and purification but the accused is ordered not to repeat the same otherwise to be permanently put out of the community interaction or divorced.

A Chuktia Bhunjia going to jail is although a rare phenomenon, few instances are reported either due to illicit distillation of liquor or poaching. The convicted person is usually put out of community and social interaction after returning from jail and readmitted into the community only after a ceremonial purification. The person is expected to give a feast to affine groups and village council separately. Ugre Jhakar was caught by excise police while distilling mahua liquor. He was also convicted cultivating ganja plants. He was put in jail for 15 days. Once he returned

to village, he was ostracized from social interaction until expiate a feast. After a month, he gave a male goat, five mana (25kgs) rice, one kg pulse, oil, bidi (local cigarette), and ₹501 as penalty to the village council. He was bald by a member of Barik clan, in the presence of affine groups, and asked to throw out his clothes used in jail before purifying him by Barik as done in the case of other criminal acts followed by taking feast arranged by him. He also gave separate feast to the affine group. The Chuktia Bhunjia of the studied villages were also reported to had been convicted for killing wild animals and were put into jail. They were also readmitted into community in the same process.

### MARRIAGE, SEX AND CUSTOMARY LAWS

Marriage, for Chuktia Bhunjia, usually is perceived more being an economic obligation between husband and wife than procreative. It is only the wife who become the helping hand in all spheres of their life. They usually practise endogamous marriage. Monogamy is common form of marriage though polygyny is not absent. In the case of polygynous marriage, both wives have equal rights over the properties of their husband. The most prevailing form of marriage among them is cross-cousin. There is no restriction to bring a bride from Chinda Bhunjia but a rite called *Dudhpen* is performed where an affine wash the mouth of the bride with milk before she is taken as member of the groom's group. The marriage ceremony is also performed in the same way when the bride is taken from Chuktia group. But the girl after marriage follows the culture of Chuktia Bhunjia group.

Generally, three kinds of marriage are socially accepted: (1) arranged marriage; (2) *Udhlia* (marriage by elopement) and (3) *Paisamudi* (marriage by force). Arrange marriage is predominance form of marriage which is done with the consent of parents of both boy and girl but after matching the *jatak* (name, date and times of birth and puberty of girl). This type of marriage ends with three stages: (1) *Mandpia* that indicates the bond between two families where few bottles of wine and a coconut are given to the girl's parents and relatives; (2) *Mangen*, the fixation of date of marriage and giving of bride price. Bride price is given in the form of saree, ornaments made of gold, as fixed by village council. 12 *mon* rice (1*mon*=5kgs), 12 piece of saree, 2 kgs of pulses, tea, sugar, oil, spices and a bundle of bidi are usually given to the bride parents as part of bride price that are used to give a feast to the affine of bride sides. It is known as *Pindhani or jogar*; (3) the actual ceremony. *Udhlia* is seldom reported where both the boy and girl elope and stay either in relative or friend house for few days till their parents approve it. The parents of both boy and girl are put out of the community, once reported to the village council, until a community feast is expiated along with giving a fixed monetary penalty for approval. Both the boy and girl are also asked to presence in the meeting. In *Paisamudi* a girl forcefully enters the house of a boy she wants to marry but with the consent of boy. They lead the life of couple after being approved by the village council provided the couple

arrange a feast for village council along with a monetary penalty.

The Chuktia Bhunjia have instituted certain customary rules concerning marriage, bride wealth, divorce. Village council is an important functionary in all these matters. The structure of their marriage practices shows that they practise endogamy form of marriage and any violation in this regard is handled accordingly to the instituted customary norms. The violation of endogamous rule is often alleged where a Chuktia Bhunjia girl either marrying a boy from other tribes especially Gond, scheduled caste or Muslim or a Chuktia Bhunjia boy marrying a girl from scheduled caste, scheduled tribe or Milkman communities. The marriage between the clans of two exogamous sub-division, i.e., Netam and Markam is also customarily restricted among them otherwise the couple are excommunicated from the community and whole clan has to undergo a ritual purification as done in other cases. So it is taboo for a clan to prefer to marry a daughter from other clan who are said to be mythically related because of their origin and worshipping of common ancestors and totemic object. If a Chuktia Bhunjia girl marries a non-Chuktia Bhunjia boy belonging to other tribes, she is permanently excommunicated from the social interaction. In case the girl meets her parents but are not permitted to touch the *Lalbangla*. Her parents demolish the *Lalbangla* and are temporarily put out of the community until expatiating a community feast along with undergoing a cultural purification and giving fixed amount of monetary penalty. The incestuous marriage is also unacceptable among them.

On the other hand, if a Chuktia Bhunjia girl marries to a boy belonging to Scheduled Caste, she is permanently excommunicated. Her parents immediately demolish the *Lalbangla* and inform to village council about it. The village council in turn restricted the family from social interaction. Gradually the concerned family requests village council to summon the issue and allow the family for social interaction by arranging a feast for members of village councils and affine groups. The village council also request a member of Barik clan to purify the family members by sprinkling milk and water in *Sunari* leave over the family members. So, the Chuktia Bhunjia have clearly marked the marriageable and unmarriageable category of people. Marriageable category for them, outside their own group, are those from whom the Chuktia Bhunjia can accept water against unmarriageable category. Since they do not accept water from scheduled caste and Muslim, they put them into unmarriageable category. Milkman community and scheduled tribes other than their own, although are not completely accepted, any girl marrying Chuktia Bhunjia boy are allowed to stay with the boy but are restricted from social interaction as opposed to the girls belonging to scheduled caste or Muslim marrying a Chuktia Bhunjia boy.

A Chuktia Bhunjia boy married to Goud girl (milkman community) in Cherechuan village. His parent had to undergo a purification ritual as done in other cases. The couple were finally allowed to stay in the house provided the

girl can neither touch the *Lalbangla* nor participate in any community festivals. It was learnt that the children born to them will be ritually taken back to the father's clan where the parents of the children give all expenditure. But once the children are taken back to the Chuktia Bhunjia group, they cannot take food cooked by their parents rather they are taken care by other members of the genital family and the expenditure is incurred by the parents of the children. Similarly, if a Chuktia Bhunjia boy marries a girl belonging to scheduled caste, Muslim or other lower castes like *Lohra* (iron meltor), the couple are permanently excommunicated. The boy's parents have to undergo a similar kind of purification, including demolishing the *Lalbangla*, as done in other cases along with penalty. Similar is the case when a Chuktia Bhunjia girl marries a non-tribal boy. In both the cases, the concerned family is ordered to pay ₹ 5001, and a goat, bag of rice, pulses and other materials towards community feast. So, in Chuktia Bhunjia society, acceptability of a person depends on who you are! There are other instances of such types and is said to have been gradually increasing. Therefore, to arrest the violation of endogamous rule, they have recently restructured the monetary penalty from Rs. 5001 to Rs. 10001 to create a fear among those thinking to marry outside community because, as one of the members of village council once said, "non-tribal especially Muslim and Goud boy want to marry our [Chuktia Bhunjia] girl only to take over our land". So, the restructuring of penalty is, in other way, a challenge towards grabbing of land by the non-tribals.

In Chuktia Bhunjia's law, running away with another man's wife is considered as destruction of other's life. In such case, they impose penalty to the accused but the nature of penalty depends on the context. For example, if the marriage is of one or two years old, then compensation is conceded to the afflicted husband by the abductor. Sometimes, breaking up marriage alliance is reported among Chuktia Bhunjia but a rare phenomenon especially when a boy or a girl elopes with other girl or boy after knotting ceremony. In such situation, the accused family is imposed monetary penalty of ₹ 1051 by the village council along with a feast and is instructed to return the bride wealth in case of girl side. The practice of levirate marriage (*Diar-biha*) is also seldom reported, if younger brother given his consent to marry the widow of his deceased elder brother, otherwise she continues to stay in her house along with her children, if any, and avail the right to land and properties. Sororate marriage (*Sali-biha*) is also permitted. Widows are allowed to remarry but after marriage, they require to follow certain customary norms.

The incidence of divorce is seldom reported among the Chuktia Bhunjia. The issue of divorce is brought to the notice of village council for summon. The council solve the case accordingly to its domain of customary laws. The dissatisfied relationship between husband-wife and adultery are considered to be the causes of divorce among them. In Jamgaon, Sukru Majhi's son Nakula married to Jampani's Nepala daughter Sombaridei. After a year of marriage, there were frequent quarrels

between both husband and wife due to the drunken nature of Nakul. He used to beat Sombari which she did not tolerate. So her parents wanted to take their daughter home back. They come to the Nakula's home many times with affine to solve the case but could not do. Finally, they appealed to village council. The council fixed a date, depending on the availability of members, to decide the matter. The affine from both sides apart from village council members and few elderly peoples also attended the meeting. After a long discussion, the village council approved the case and ordered Nakul to give a share of land to Sombaridei as compensation for her livelihood.

Debaki's divorce was pathetic which occurred from her husband side which is said due to laziness and adultery. Debaki married to Ramesh, Sidheswar's younger son of Shivnarayanpur village. It was learnt that she was always eager to go to her parent home. She became mother of a baby girl. She becomes lazy helping Ramesh in agriculture and other household chores because of which there were frequent quarrels between husband-wife and also with Ramesh's parents. It continued for long two years. Ramesh informed Debaki's parents about it and many times tried to resolve the matter before affine. Ramesh doubted Debaki's characteristics as to why she always wants to go to parent's village. Yet the nature of Debaki remained. So he requested his father-in-law to take Debaki back i.e. he wanted to divorce her. He informed to village council for summon. The village council met for three times at Shivnarayanpur but could not give any decisions. They postponed the meeting for six months. In the next meeting, it was approved provided Ramesh agreed to share of his income as a compensation to Debaki's livelihood. Ramesh wanted to keep the children with him. A copy of approval duly signed by the members of village council was given to both Ramesh and Debaki's family as proof of divorce.

It is customary among Chuktia Bhunjia that both the groups are given freedom to choose whether to keep the children, if any. If divorce is from husband's side, the village council directs the husband usually to share his income with wife as a penalty and an agreement on the proof of compensation is kept in writing. Besides, depending on the time period of the marriage, especially if divorce takes place within two years of marriage, all items given to her by parents are returned. Gurubar's daughter Phulmati married to Rabi, Paklu's elder son of Chhinmundi village. Earlier Rabi had love relation with Raibari of his village which continued even after marriage. Phulmati objected such behavior and threatened to be divorced if he repeats. When Rabi did not obey, she approached to village council. Her request was approved after four consecutive meetings. They ordered Rabi to give the items back taken by her during marriage. It is a general rule among Chuktia Bhunjia that items given to the bride during marriage are listed in a paper. One copy of the same is given to the groom parents in the presence of their respective affine groups from both sides. The divorcee is also permitted to marry, if she wishes but is customarily restricted to enter *Lalbangla*, clean the abode of home deities,

to eat sacrificed meat and participate in community festivals. Motiram Mallick of Barkot village had married to a woman of Barik clan who later died of cancer. So, he decided to marry again as she can at least take care of two children from late wife. He then married to a divorcee originally belonging to Chhatria clan but had earlier married in Majhi clan. Since she had already married, as per the Chuktia Bhunjia's customary law, she has been abided by the restriction mentioned above.

### **CUSTOMARY LAWS AND INHERITANCE OF PROPERTIES**

The Chuktia Bhunjia of study area usually possess two types of properties: individual and common property. The possession and inheritance of each property is governed by their instituted rules. The individual properties- movable and immovable- has a gender dimension. The immovable property that are seen in term of land and house are owned by and inherited to male members only. The property is partitioned equally by the sons except the elder one who gets a higher share than others. No females, including widows, are reported to have hold land *patta* in their name. The clan deities are even shared among the brothers. The moveable properties that are seen in term of jewellery is inherited to both son and daughter equally. The reason for not giving any immovable parental property to girls is that, girls after marriage are considered member of her husband's household and the village and therefore become outsider even if girls get marry in the same village. Thus, property getting transferred to an outsider may seem as a mere excuse to retain 'male line' over the property and hence the society.

It was found that the only reason if daughter is not asking for parental property is that by refusing a share, she wants to strengthen the bond with the natal family and ensure a regular flow of gift, financial and moral support at the time of crisis. The property of widow not having any offspring is also transmitted to deceased brothers or deceased brother's son after her death. The daughter of a couple not having male child also give a patch of land to nearest agnate especially brother or brother's son. Even if their daughter wants to keep the property, especially land, a small patch of land is still given to her father's brother' son who bury the corpus of her father after death simply because daughters are customarily not permitted to bury the corpus. Since there is also a provision of marriage by service (*Ghar-jwai*), after the death of his wife's father, he is entitled to cultivate the land till he is alive. He ceases to be the owner of the said land after his wife's death. The property is then inherited by the nearest agnates of his wife's father. The daughter's son does not inherit the property. So, it may not be wrong saying land has the clan dimension in which land property is not at all transferred to other clans rather remain within the clan even if daughter marries within the village.

The right to possess common property among Chuktia Bhunjia has different explanation. The common property that are seen in term of pond, lake, forest, sacred groove, river, grazing field, etc. is public in nature. The Chuktia Bhunjia



being a territorial group, any common properties belonging to a particular territory is subjected to own by people belonging to that area only. The nomenclature of Chuktia Bhunjia as *Gudarajia* (Chuktia Bhunjia living highland), *Barkotia* (Chuktia Bhunjia belonging to Barkot village area), *Sosengia* (Chuktia Bhunjia belonging to Soseng village area) and *Mainpuria* (Chuktia Bhunjia living closed to Mainpur area of Chhattisgarh) by outsiders signifies their territoriality that give them the right to claim not only belongingness but also over the properties. Accordingly, they possess right to occupy the properties of their own territory including collection of resources from forest and sacred groove; and use of river, pond, and grazing land.

## CONCLUSION

The above ethnographic narration shows that the customarily instituted laws among Chuktia Bhunjia are surrounded over the matter of marriage, crimes, property inheritance, ecological resources, etc. and breaching of any laws is entrusted with specific form of punishment. Apart from clan and affine groups, the village-council and territorial-based inter-village councils are found as twopreliminary court of lawsor disciplinary bodies for administrating those laws towards resolving disputes largely in connection to marriage, divorce, incest relation, adultery, and other form of crimes. Yet, the nature of both councils always found to be dominated by male and no female are found to be a member there. The councils are also reported to promulgate rules for administration to be univocally practised by each member and thus always observed not only to maintain social order and relationship but also to it reinforce social collectivity and togetherness. Nevertheless, neither the village council nor the intervillage council has any political faction any time unlike the case of *Khap* Panchayat in Haryana (Rajpurohit and Prakash 2015) and *Panchas* in Karnataka (Pur and Moore 2010); rather the councils amicably resolve disputes and maintain transparency and have been taking on a new role of adapting to the democratic apolitical environment as reported from various judgements documented from time to time. The apolitical nature of the village and intervillage councils are also noticed as they never support any political party at the state level.

The nature of Chuktia Bhunjia's customary practices and associated laws portrays that each law has gendered character and women are in a disadvantaged position who are found to mere follower of those laws. There are two important forces determining their position: material culture especially *Lalbangla* and customary perception of purity-pollution that define certain category of people including their own married daughters as "outsiders". The resulting excommunication for breaching any form of customary laws revolve around notion of purity-pollution which they try to restore by keeping the impure person away from the social interaction temporarily. However, in some instances particularly incest relationship and marriage with non-tribal especially Muslim and scheduled caste cease to permanent ostracization of the accused. In certain context, customary laws also give them opportunity to be

readmitted following a ritual purification and community feast. Such customary systems among them are always found to stabilise their culture, tradition and value. Similarly, the customary law-driven ecological relationship among Chuktia Bhunjia largely noticed through totemic association although signifies their reciprocity, the customary restriction of people in perceived pollution periods not only maintains 'sacredness' of their ecology but also ensures a sense of conservation. The taboo associated with harvesting, hunting, killing and consumption of any species, unless required, adds another value to the nature conservation among them.

The customary restrictions are also found to as obstacles in access to education and healthcare facility of pubertal girls and women due to perceived notion of purity and pollution coupled with the construction of outsiders. It brings other interrelated phenomenon into discourse. The functioning of mid-day-meal scheme and the public distribution system, two important nutritional programmes by government of India, can best discussed in this context particularly when school going girls go to home for lunch due to cultural restriction and boys go to home lunch in the absence of raw rice in the mid-day-meal. So, whether state bother about the success of mid-day meal scheme and rights of the vulnerable people like Chuktia Bhunjia is in question. Besides, the functioning of public distribution system shows that the beneficiary households get free rice from the government but non-suppliance of raw rice often affects their entitlement as a result few households mortgage their ration card to other non-tribal living in the sanctuary area. Similar is also the case as no household is reported to access the healthcare benefits freely provided to Chuktia Bhunjia of the sanctuary area because of cultural stigmatisation and fear of social ostracism for breaching customary laws. Despite being intervene by Chuktia Bhunjia Development Agency (CBDA), a micro-project by Government of Odisha, emotion and attachment of people with customary laws, tradition and culture making the intervention hard to influence people.

The perception of women being impure in definite periods always keep them in a disadvantaged position as noticed from their seclusion from different social cultural spheres. The historical deprivation of women from being land-owner can best justify their position. The ethnography narration shows that no Chuktia Bhunjia women are having land in their name simply because of their notion 'outsiders' and retention of 'male line'. The transfer of land in male line has its roots in the marriage rules. Their marriage rules take precedence over the property rights at community level. Therefore, they always adhere to the marriage related customs and traditions to the best possible extent not to retain the endogamous nature of their marriage practice but to retain the property inheritance pattern along the male line of descent so that women continue to become a non-owning category of land property.

Although in recent year, the implementation of Forest Right Acts (FRA) in their area dictates a column mentioning the name of members of a beneficiary household including women in the land title, male being the head of the household,

land *patta* (entitlement document) has been given in their name. So, under FRA land has also given to women in the female-headed households specially to widow. Some widow did not want land to be registered in their name rather than their male children. Interestingly no reaction is reported by the village council over the land entitlement of women that indicates their cultural acceptability to the welfare scheme which requires no cultural obligations. The schemes that bring change in the social interaction like education and health, because of their association with purity and pollution, have been rejected till date. Here one thing is very clear that land entitlement does not have any connection with idea of purity and impurity and therefore there is no hue and cry on the part of village council after women being conferred with land right under FRA. The problem arises only in connection to the inheritance of ancestral land. Such customarily governed inheritance of immovable properties particularly land, that restrict women from land-ownership brings many discourses on the relevance of clan/kinship in the inheritance process (Rao, 2005) and applicability of Hindu Succession Act 1956 and Indian Succession Act 1925 to the tribal societies (Ekka, 2011; Saboo, 2019). There can be only one argument in this connection, that is, since tribals are not considered Hindu, these two Acts cannot be applicable to tribes including Chuktia Bhunjia as once Chief Justice Ramaswamy held the view, “I would hold that the provisions of Hindu Succession Act, 1956 and the Indian Succession Act, 1925 go in terms, would not apply to the scheduled tribes, the general principles contained therein being consistent with justice, equity, fairness, justness and good conscience would apply to them. Accordingly, I hold that the scheduled tribe women succeed to the estate of their parent, brother, husband as heirs by intestate succession and inherit the property with equal share with male heir with absolute rights as per the general principles of Hindu Succession Act, 1956, as amended and interpreted by this Court and equally of the Indian Succession Act to tribal Christians (quoted from SCSTRTI, 2018). Yet, it is also fact that, restricting women from being land-owner, considering them as outsiders, despite being the major work force in economic activities, can be viewed as a ‘control over their means of production’ (Kelkar and Nathan, 1991; Jassal, 2001; Saboo, 2020). This indicates that patriarchy is operative in Chuktia Bhunjia society and the assumed egalitarianism nature of tribal societies is proved to be false in the context of Chuktia Bhunjia.

The settlement of dispute regarding marriage, divorce and incest among Chuktia Bhunjia portrays that customary law is subject to the jurisdiction in all these matters. It was reported that they never approach to the formal state system of laws for any of these disputes instead village and intervillage councils are competent enough to take any decision according to their customary laws. The non-dependency of Chuktia Bhunjia to state law questions the functioning of Hindu Marriage Act 1955 among the tribals. In this connection, there have been arguments against applicability of Act in tribal society largely because the Act meant to apply for Hindu only. So tribals

not being Hindu, there has been argument that this Act cannot be applicable to the Scheduled Tribe as per the section 2(2) of Hindu Marriage Act, 1955 which says, “notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of the clause (25) of article 366 of the Constitution, unless the Central Government, by notification in the Official Gazette, otherwise directs”. Section 2(1-C) of the Act, which says that the Act applies “to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed”. The two statements indicate that this Act does not apply to scheduled tribes including Chuktia Bhunjia who constantly interact with their standardised custom, tradition and customary laws.

The description on crimes among Chuktia Bhunjia reveals that the ultimate punishment awarded for incestuous relation and endogamous marriage, especially with unmarriageable category, is excommunication only. In such cases, there are no ways to readmission into the community. It is only with crimes in connection to the killing of cows, returning from jail or attack by insect, the accused persons are readmitted into the community through a ritual purification. Thus, there is an opportunity open for coming back to the community for a guilty provided he/she abide by the customary laws including giving monetary penalty and a feast to the village council and affine groups. Putting in other words, any act not coming under the scope of their customary laws is undeniable and are handled accordingly. The case studies on the Chuktia Bhunjia girls marrying to scheduled caste or Muslim are the best instances in this regard. Any forms of punishments for crime are said to control people’s awkward behaviour and balance social structure. The instituted punishments over crimes certainly create a fear among them and are assumed to reduce the crimes. However, the allegation of crimes occasionally particularly of incest and adultery challenges the impact of customary punishment. So, one can claim that customary punishments being executed among them are to restore the cultural value only and these have nothing to do with complete reduction of crimes.

To conclude, the description of different customary practices among Chuktia Bhunjia reveals that customary law with regard to inheritance, succession, marriage, crimes, and other cultural practices have still significant today. There are three interconnected factors that reinforce people to practise those practices: (1) the fear of social ostracism which make them cost-effective, and (2) the obligation to restore the purity of cultural entity, (3) social deviation and anxiety. First two causes have subjective orientation and last one is always cohesive that enforce people to be always submission to the customary laws. As Sinha and Das (1999) opine, “if one does not perform one’s duty for others, one cannot expect them to do anything for one’s own sake” (p. 266). Although practising of customary laws has

become a customary behaviour among them, the village level council still plays the role of guardian so that no one should breach those laws. But the way the council imposes their laws indicates that it has become an exemplary institution of a direct democracy. The transgression of established laws give rise to two sentiments on the parts of Chuktia Bhunjia: (1) anger often resulting into immediate infliction of corporeal punishment; (2) desire to re-establish the disrupted social structure by purification thereby to restore primordial cultural identity. Thus, customary practices among them are found to be an articulation about ideas and conceptions to maintain political and social cohesion within society. No individual is permitted to go against such established customary laws otherwise is treated as a social offender and whole society turn against him simply to protect their tradition and custom. Nevertheless, with transforming customary practices as noted from different case studies about their challenges to about customary attire, education, and employment; the Chuktia Bhunjia at present are striving to maintain a balance between tradition and modernity.

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