



# POLITICAL ORGANIZATION OF SUGALI

**Dr.G.Kishan M.A.,Ph.D., Lecturer in History,  
S.V.Arts college .,Tirupathi, Andhra Pradesh, india.  
[kishang84@gmail.com](mailto:kishang84@gmail.com)**

Political as a term has also had considerable analysis from many different viewpoints. Radcliffe-Brown (1940), in Evans-Pritchard and Fortes<sup>1</sup> defined political organization as follows: “The political organization of a society is that aspect of the total organization which is concerned with the control and regulation of the use of physical force.” This definition has been criticized by Easton (1959) in Siegel<sup>2</sup> as follows: Ultimately it raises the question about the wisdom of confining political relationships to those situations in which force can be employed to implement a course of action. Easton himself defines a political act<sup>3</sup> as: “One related to the formulation and execution of binding or authoritative decisions for a social system.” Thus authority is considered by Easton to be central to the concept of political, which is the basis for the definition of political unit as the largest unit of population over which authority is exercised by a leader or body of leaders.

Malinowski (1926) describes that every society has rules that it calls ‘rules’ and others that it calls ‘customs’. Both are matters of knowing how people expect you to behave and what you can expect of them. When there are what Malinowski called ‘codes, courts and custodians’ people recognize that you can do many things that other people won’t like, but only some of them will get you into trouble with the police, that you may have many grievances against other people, but you can only go to law about some of them.<sup>4</sup> The difficulty of definition arises where there are no courts or constables. Some writers on that type of society play safe by referring to ‘customary law’. The Sugalis have framed the customary laws to safeguard their interests and customs, they organized the ‘Gwor Panchayat or Nasab’. But the sole aim of the Panchayat is to preserve their customary laws intact. The aim of these laws and practices has been to maintain internal peace, law and order, check crime and breach of their traditional customs and practices, ensure adherence to their religious beliefs and ritual practices. The

political organization of the Sugali tribe comes under the stateless system because, it has no formal government embracing the entire society. The political organization of the Sugali is based on territorialism and is not based on any genealogical or associational units. Thus, the Sugali 'thanda' or settlement is the smallest territorial unit of organization represented by family. There is no headman for every clan. All clans enjoy equal status. In Sugali political organization, there are no special associations such as military organization, religious organization etc.

According to Staurt, H.A. (1975)<sup>5</sup>, the Sugali settlements are named after their headman, who is accorded great reverence believed to rule the caravan most vigorously and to have the power of life and death over its members. No-body came forward to speak to a stranger in the 'thanda' without the prior permission of the Naik who was not only respected but credited with the possession of supernatural powers. Thus, the Naik as the Sugali chieftain, occupies an important place in the traditional political organization.

Changes in the political organization of a community usually occur with respect to the spatial and organizational aspects, type of leadership, legal system, military organization and warfare. It is against this background that this chapter discusses covering the customary codes and traditional polity and organization of Sugali. It also examines and evaluates the impact of the sponsor of government institutions on the traditional political organization of the Sugali.

The Sugalis possess their own distinctive political organization which controlled the socio-economic life of Thandas. Craufurd (1742)<sup>6</sup> a British historian gives earliest reference with regard to their social control. The Sugalis live in tents and travel in separate bodies, each of which is governed by its own particular regulations. From the 14th century when the Sugali first accompanied the Mohammedan armies which invaded the Deccan from the North until the present century, there were records, though scanty, written by Persian and British historians, travelers, missionaries and administrators. Between the late 15th and middle of the 19th century, there was considerable political upheaval in India in the form of wars between indigenous kingdoms in the pre-European period and between the native kings and the British, the French, and the Portuguese after the 17th century. In these wars the Sugali played an important role on payment, as carriers and suppliers of provisions to the armies. The patrilineal clan systems by which the caravans, or Thandas were organized was very strong till the last quarter of the 19th century. The strong patrilineages and the well defined authority of the caravan headman were the direct results of their peculiar economic pursuits. In order to understand the traditional political organization of the Sugali, a reference to their economy as nomadic bands of carriers becomes necessary. Importance of their services to the armies becomes evident from the fact of their having received from Moghul

Emperors, even the right to plunder the enemy's country. So whenever they went, even in times of peace, they were the most cruel robbers on the highways. But theft by the nomadic Sugali was not considered as a crime<sup>7</sup>. Early accounts in travelogues and gazetteers make frequent mention of the two clans, Rathod and Burthya (or) Vadtya, having played a prominent role in transport and trade

In the last quarter of the 18th century, a Rathod Sugali chief, Sarang Bhangi formulate code of laws which continued intact till the end of 19th century and formed the basis of the Sugali community governance<sup>9</sup>. Rathod Bhangi found that the personal character of the chief alone could secure the obedience of his clan and that, as all the family heads were proprietors of a general stock, of bullocks, any member, if he so chose, could emigrate, thus dividing the formidable power which the leader had brought together. He thought that amongst a body of proprietors, there must be a certain number amendable to be called a Naik, who was to be elected by the proprietors of the horde or Thanda. All Naiks, had to pay obedience to the chief of all of them, who used to sit on a Gaddi. Thus, each of the several hordes which had joined him had a Naik, who acted as the community Magistrate. It was subsequently agreed that the Naikhood should devolve patrilineally on the nearest relative and that he should be set aside only by the majority opinion of the proprietors (owners of trading animal) composing the Thanda.

In the beginning of the 19th century<sup>10</sup>, those proprietors possessed a good number of bullocks each, and a band possessed in times of great demand 30,000 to 40,000 bullocks. The only privilege of the chief Naik was the right to appropriate for his own use an amount of the total amount paid by the employers. Thus, the Naiks must have been men of considerable wealth. Each horde comprised a single corporate clan, and not several clans as the present day settlements do. Long before the time of Sarang Bhangi Rathod, it was usual for the Sugali to select their wives out of a clan other than their own to prevent promiscuous inter course between the sexes within the single clan, which used to camp in the open tents. To ensure clan solidarity, clan exogamy was instituted by the Sarang, lapses of such norms being considered incest punishable by expulsion from the clan. This custom was adopted by every horde, and the chastity of Sugali women had its origin in this code.

To avoid the possibility of jealousy against the Chief and the Naiks, likely to result from an undue exercise of authority, Sarang Rathod resolved that all punishments would be limited to pecuniary fines or expulsion, that no single Sugali should be liable to suffer death sentence from the community Magistrate, since it meant vesting too much power in them and making them analogues to a 'master' rather than a father. Further, Sarang laid down the rule that no man could be punished in any way without being first tried by a Jury of five of the proprietors (Panch) in the horde. And an accused had the right to object to any or all of the proprietors being nominated as Jury. The freedom allowed to the culprit extended

even to denying the power of the Jury; but he rarely dared to do that for fear of excommunication. To prevent an expelled person from improperly entering the community, it was ordered that no individual or small body of Sugali should be received as members of an established horde.

If a serious dispute took place between two Sugali individuals, to prevent its proliferations to their kin and often to the drawing of swords, each Sugali was duty bound to throw himself between the disputants so that it might be settled by law. If swords were drawn and if it appeared imprudent, the mediator was supposed to take off his turban and holding one end in his hand, throw it at full length between the disputants. This seldom failed to remind both parties of their customary rules and the necessity of abiding by them. To continue the quarrel after the intercession of a mediator was a crime punishable by the Jury.

The unanimity or consensus that prevailed in the Thanda and the punctuality with which they adhered to these customary codes probably prevented the recurrence of minor crimes. But whatever the minor crimes, it was punishable by a Jury, the extreme fine being Rs. 30/- before 1800 A.D<sup>11</sup>. The money thus collected as fines was spent on liquor, the only exception being a rupee which went to the chief who kept a register of such fines.

During the prosecution of the crime by the Jury, the plaintiff and defendant were asked to sit side by side. Some pulverized opium leaf was placed in the right hand of each person and they blew it off from their hands to symbolize that their quarrel was blown off. The rest of the horde sat round in a circle and drank and it was at this time that their 'Bhats or Bards' (Dhadi or Dhalia) sang the songs of their illustrious ancestors.

The Sarang Rathod thought that power of life and death should not be vested in the hands of his successors. He decreed that, in case of murder, the friends and relatives of the murdered could put the murderer to death within three days of the murder. Any revenge after that period would invoke the same retaliation. By this simple code, a murderer seldom escaped from death, although it frequently led to excommunication of one of parties on account the protracted fends. The power which Sarang Rathod organized as the Chief of the Sugali community, and the favour with which he was treated by Aurangzeb, the Moghul emperor, and the insignificance into which his rival Bhagawandas Vadtyas had sunk, made the latter jealous of Sarang Rathod's power, and as a result, Sarang was murdered. Since then, there had been interlined wars between Rathod clan and Vadtya clan<sup>12</sup>.

The relationship of the nomadic Sugalis with British was primarily political and economic, but characterised by expediency and ambivalence. The role of Sugali in the two wars with Tipusultan of Mysore in 1791-92 and 1799 and the wars with Marathas in 1803 has been highly praised<sup>13</sup>. But because of the breach of trust as



well as the cruel practices of the Sugali as robbers they also became targets of censure, leading in some cases to charging to death some of the Sugali by the British. It was advantageous to the British to employ the Sugali in preference to other types of transport as the caravans could move through the country side away from the main roads, which were not safe because of the unsatisfactory law and order prevailing in those days. The services of the Sugali were most sought often in times of war. Without the need to employ many troops or permanent public servants for the supply work, and without the risk of speculation in prices of grain or fraud and defalcation of supplies the allied armies (comprising the British and the Nizam of Hyderabad) which had already been plundered by Marathas at such a place and time Sugali supplied grain at fairly reasonable rate to the armies.

However, subsequent to the establishment of direct British rule in India in 1858, substantial improvements in the transport system were introduced and as a consequence in the last quarter of the 19th century, the Sugali lost their occupation as transporters of grain and other supplies<sup>14</sup>. Therefore they resorted to predatory methods as a way of life, which they had acquired while they were serving the Moghul armies. With this change the community Magistrate, the chief of hordes all lost their customary importance and the Naiks who were heads of the hordes got the prominence.

#### **ADMINISTRATION OF JUSTICE**

The Sugalis have their own traditional laws and their own way of administration of justice. They do not have any written law but they are orally conversant with these. It seems that the basis which determine the nature of the Sugali Law, principles, which guide in imparting justice and related basis of punishment, all are directed towards one aim of preservation of the age old customs, practices, traditions and usages. Accordingly, to them to follow a custom is to follow a law and to deviate from it is to effect a breach of law. The very enforcement towards adherence to a custom, turns a custom into a law particularly when the custom is virtually connected with the display of standardized interpersonal relationship between the members of a society in any sphere of its activity that a slight breach is not only a strikingly alarming anachronism but also an irksome, incongruent and irreconcilable anathema to every one's sense of traditional reasoning. For them, the custom is as sacrosanct as an edict of law and the nature and the manner of dispensation of justice is based on it.

The Gwor Panchayat plays an important role in the social, religious and cultural life of the Sugalis. The jurisdiction of the village council is too wider to cover the grievous crimes like murder, kidnapping etc. It is possible to bring about every kind of offence within their jurisdiction, except those offences committed against the state.

Traditional laws of the Sugalis deal with the questions of marriage, divorce, succession, guardianship, adoption, maintenance and any religious usages or institutions, etc. It covers more or less all the aspects of the day-to-day life of the Sugalis. The rule of law become material only after exhausting the various methods to ascertain customs and when it is positively proved that there is no traditional law relating to those specific cases.

Traditional laws of the Sugalis can be defined as the precedences and conventions laid down by their past ancestors with the sole objective of maintaining internal unity and peaceful living and preserving their social as well as religious ceremonies, rites and practices based on their concept of ethics and interpretation of the supernatural belief. They are conscious that these traditions have passed down from generation to generation without any alterations or amendments. Breach of these traditions is neither contemplated nor tolerated by any one as it is regarded as a crime against the society itself. And hence the offender becomes liable to punishment under the provisions of traditional laws.

The Sugali society is egalitarian. They are free to speak anything. They express their griefs and anxieties before the Gwor Panchayat. They have a strong sense of solidarity. Economic interdependence among the Sugalis is very low. They strictly adhered to the customary laws and practice the rites de passage. They feel proud of calling themselves as Gors and Rajput Gor Banjara. They call the non-Sugalis as 'Kor'. They call the male number as 'Gormati' and female as 'Gorbai' or 'Gorni'. They feel proud of having a great cultural heritage and express it on several occasions. During the marriage ceremonies, they say, 'Ram Bandho Ghant Janapancho Sod Sakha, Panch Byasan Bandha Ghant Rameer booth Chuti Koni.' It means the elders in the Sugali society can untie the knot of Lord Sri Rama. But it is not possible for Lord Sri Rama to do the same. The Sugalis give due respect to the world of their elders.

As stated above, the whole of the Sugali society is built on a solid foundation of equality. It is based on unconditional acceptance of all life forms including trees, water, earth etc. This acceptance is based on a recognition of all things being mutually dependent on each other, what is often referred to as their symbolic relationship with nature.

Since this acceptance is total and unconditional, it automatically means that the other person or element in a relationship is treated with respect. Equality therefore in Sugali society is not some distant dream or goal to be attained, it is an integral part of how their society is structured. It is the natural outcome of treating everything with respect.

In the Sugali society, different kinds of norms are enforced by different kinds of social or collecting sanction, and norms, may accordingly be classified

according to their sanctions. Malinowski, distinguishes three main classes of norms: religious rules, punishment of whose breach (sin) is supernaturally entailed by its very committal; traditional rules, whose breach (improper conduct) is punished by ridicule and social contempt; and legal norms, whose breach ('crime') is punished by the decision of the community, acting as a whole or by its central organs, or certain groups of it. In the Sugali society also one can find a distinction between the religious and social norms whose breach may result in punishment in the form of fine and excommunication. Following the conditions of Sugali social life, there exists a distinction between civil and criminal law. The civil law comprises all the rules governing social life. Under civil law in their society, one can understand the set of rules regulating all the normal relations between persons, as kinship, marriage, economic cooperation and distribution, trading, etc., and between persons and things, property inheritance, etc. These are 'the fundamental rules which must be observed'. Their infraction is a lurking temptation, and there are always individuals who succumb. As a preventive, or reaction, to this there exist some measures of restriction and redress; broadly speaking, some restraining forces. From this follows the distinction between civil law, 'a set of rules regulating the social mechanism in its stationary, normal course and criminal law, the safety arrangements, putting things aright whenever there is any hitch in their normal course. The taboo or prohibition is distinctly the conception covering what one would call law in the society. In their society, it is enforced by a supernatural sanction by the fear of the evil results, automatically following the offence.

Malinowski in his writings on the Trobriand islanders, where for the first time he discusses law in extensive detail, returns to the concept of fundamental rules of conduct. He refers to 'primitive law' as the various forces which make for order, uniformity and cohesion in a savage tribe. He defines civil law more comprehensively as a class of binding rules which control most aspects of tribal life, which regulate personal relations between kinsmen, clansmen and tribesmen, settle economic relations, exercise power and magic, the status of husband and wife and of their respective families. On the other hand, the fundamental rules safeguarding life, property and personality from the class which might be described as "criminal law"; in this class he also includes the rules safeguarding such institutions as chieftainship, exogamy, rank and marriage.<sup>15</sup>

The criminal law in the Sugali society, has as its sanction Tribal punishment, due to a reaction in anger and indignation of the whole community.' But there is no formal administration of justice according to a code and by fixed methods. Instead, the principles according to which crime is punished are very vague, and the methods of carrying out retribution are fitful, governed by chance and personal passion of the Naiks of thanda and the Gwor Panchayat.<sup>16</sup>

## TATUS OF LAW

The Sugalis have no form of writing and consequently, no written law. The Sugali law has two sources of origin: taboo (which is essentially religious) and custom. The customary law is the more important from the greater frequency of its application. The breaking of a taboo that concerns the person or possessions of an individual of another family is a crime. The following instances will illustrate.

In almost all thandas of Sugalis of Rayalaseema region, it is a taboo for non-Sugalis to pass through a rice field when it is being harvested. It is also taboo for outsiders to enter into any thanda when it is observing its ceremonial idleness, at the close of harvest time. One who breaks this taboo would be subject to the imposition of fine as for their custom.

It is a taboo to use certain language, and to do certain things in the presence of one's own kin of the opposite sex that are of the degrees of kinship within which marriage is forbidden or in the presence of another and such kindred of his or to make any except the most delicately concealed references to matters connected with sex, sexual intercourse, and reproduction. Even these delicately concealed references are permissible only in cases of real necessity. The breaking of this taboo is a serious offence. One who broke the taboo in the presence of his own female kin would not be punished except in so far as the contempt of his fellows is a punishment.

A third person may make no remark in the presence of kin of the opposite sex as to the fitness of the girl's clothing, as to her beauty. Many ordinary things must be called by other than their ordinary names. Even the aged priests who officiate at a birth feast must refer in their prayers to the foetus about to be born as "the friend" and to the placenta as "his blanker". A great number of things are forbidden in the presence of kindred of opposite sex that would not shock even the most prudish of our own people.

- i. The Sugali society does not punish culprits and injuries unless there is a strong evidence. They are punished formally by the Gwor Panchayat.
- ii. Not only the individual who commits an offence but also his kin, and in proportion to the nearness of their kinship, are responsible for the offence. Their responsibility is slightly less than his. This applies not only to crimes but to debts and civil injuries.
- iii. Clemency is shown towards the remoter kin in order to secure their locality to the family group. A large unified family is in the ideal position of being "strong to demand and strong to resist demands".
- iv. Though the cases of incest are not seen in their society, the customary law makes the entire family group to be collectively responsible for it. The family group is collectively responsible for the delinquencies of its



members, but in less degree than the delinquent himself, so may punishment be meted out to individuals of the group other than the acted culprit, although naturally it is preferred to punish the actual culprit; and so may debts or indemnities be collected from them.

- v. No transaction of importance of any sort between persons of different families is consummated without the intervention of a middleman, or go-between. The Naik of the thanda acts as an intermediary in all civil transactions.

Very often the elders in the traditional council also act as the Go-betweens. They are used commonly in (1) buying and selling of family property of whatever kind or value, (2) buying and selling of cattle and the more valuable personal property, (3) the borrowing of money or other wealth, (4) Marriage proposals and the negotiating of marriage contracts, (5) Collection of debts, and (6) Demands for damages to property or persons.

The go-between is the principal witness to a transaction. For his services he receives pay which is fixed to a fair degree of exactness for a particular service. This pay ranges from Rs. 100 to Rs. 1100.

**RESPONSIBILITY OF GO-BETWEEN:** Go-betweens are responsible to both parties to a transaction, for the correct rendering of tenders, offers, and payments. Their word binds only themselves, however not their principals. Go-betweens are not agents of one party more than another. They are supposed to be impartial, and interested only in consummating the transaction involved in order to get their fee.

## **SOCIAL CONTROL**

There could be no rational social life unless the social relationships which bind people together were at least to some degree orderly, institutionalized and predictable. The only alternative to order is chaos. To maintain an orderly system of social relations people have to be subjected to some degree of compulsion; they cannot, all the time, do exactly as they like. For often self-interest may incite behaviour incompatible with the common good, and so it is that in every society some rules, some kinds of constraint on people's behaviour, are acknowledged and, on the whole, adhered to. These rules and the means by which they are enforced differ greatly from society to society, but always they more or less effectively secure some degree of social order.

It is observed that Sugali political organization as the maintenance of ordered relations between groups of people in their society. Here the political unit is defined territorially i.e., thandas. The political system is usually referred to as certain kinds of social relationships within a thanda. When on the other hand, the anthropologists

speak of law and social sanctions as the behaviour of individuals and of the relationships between them, and of the social factors, which by and large, ensure their conformity to the accepted rules of the society. Hence the Sugali Gwor Panchayat, which is a political institution have a legal or sanctioning aspect. Usually the Sugali political organization is more elaborate. These are specialized political functionaries and organized structure of authority backed by physical force. The 'Naik Parampara' is in the characteristic feature of Sugali political organization. The Sugali society functions with formal head man at the highest level. The community possesses well-defined procedures for ensuring that its members observe caste norms, as well as for settling disputes between individuals or factions and for deciding upon united caste action. Whenever it becomes necessary for the community as a whole to take action, the elders' council called Gwor Panchayat takes necessary steps by arranging the meeting.

It is ironical that the Sugalis, who were once soldiers and suppliers of food grains and arms to the armies, have to live far away in the forests and mountainous regions. Therefore they were not politically conscious for a long time. Now with the changing environment they have become politically conscious. It is interesting to note that though they are away from the civilized way of life they have developed their own political system called 'Gwor Panchayat'. The 'Dhaliya' who is the drum beater of the community announces the date and time of the panchayat meeting in some of the tradition settlements in the region.

The Naik is a symbol of the whole Sugali community through whom the Sugali community expresses their sense of tribal unity and identity. The political authority exercised by Naik involves the existence of a shared system of values, which include the acceptance of the political and social institutions through which the authority is exercised. The Naik is vested with the right to issue orders and administer sanctions in the thandas. Such activity is directed towards the maintenance of the existing social order in the community. During medieval times, when they started settling down in various parts of Karnataka and Andhra Pradesh, the grounds of eligibility to Naikship of Gwor Panchayat was varied; sometimes descent was relevant (for example membership of good family) but more usually any kind of social pre-eminence, such as outstanding wealth or ability, extraordinary skills in warfare etc., formed an acceptable qualification. As the thanda is the political, social and economic unit in all matters, the Naik has control over the thanda's people who comprise 20 to 100 families with kinship ties. Earlier the Naik was selected by the group of elders on the basis of the assessment of his character. Co-ordination and ability to lead the group through difficult situation are the basic qualifications for the headman ship of a thanda.

But in the modern period, the eligibility criteria for the Naikship has changed and it has become hereditary in some thandas of Rayalaseema region. The bounds of clanship and kinship also play an important role in selecting the Naik. It also involves the exact knowledge of genealogical connection of the person with the previous Naik of the thandas. The members of a Naik's family descended agnatically from a particular man (Naik) say five generations back may see themselves as a unit as against all the agnatic descendents of that man's brother. Often the groups so established maintain a relationship of actual or potential opposition to one another. This opposition is characteristically expressed in the institution of the blood feud. Since the blood feud is essentially a group matter, it is plain that it can only occur where there is a high degree of group solidarity and this is evident in the Sugali society.

The position of Karbhari (secretary of Naik) is also hereditary. Sometimes he is selected from amongst the elders (Davsan) of the Gwor Panchayat. He gives the advice in the crucial legal matters and executes the decision taken by the panchayat. Just like the Naik, the Karbhari is supposed to be very intelligent and possess far sightedness.

**GWOR PANCHAYAT:** It may be noted that the Sugali society functions with formal headman at the highest level. The community possesses well defined procedures for ensuring that its members observe caste norms, as well as for settling disputes between individuals or factions and for deciding upon united caste action. Whenever it becomes necessary for the community as a whole to take action, the elder council called 'Gwor Panchayat' takes necessary steps by arranging the meeting. According to some elders of the community who stated in their dialect:

"Panchayat raja bojer Sabha - Lakhan Savvalakh - Bhair - Anand somer Kushan-bhai aapan anand saga apart sakal-talchi palel dhyam hai to koti kholu gyari rtahito panchome bagavan talwa he sansar me bhant-bhat ke loks-ab-ke halmal chaliya, to nandi nam Sanyog-Yeva asgane yeve kariye yeva nandi neer dhopo-dhap singh siya to jur chadhe seet - yeva sagane yeva najye yevach sing da-taki log..."<sup>17</sup>

It means, "this predominant Panchayat is the sabha or durbar of Raja Bhoj.

The members of this panchayat represent lakhs or one and quarter lakhs of our brothers. It swears by the name Tachi Patel and says that if we remain and think god will live in panchas, the society will progress like the nexus of rivers. We shall keep our minds clean and moving, if we all come and think together our hearts will be pure, and we shall glitter like a diamond of the crown."

**NAIK:** In the early period, the Sugalis had their clan names as the suffix to their names. In the 15th century A.D, they came down to south as the goods transporters on packed bullock carts and settled down in various parts of South India. They joined the service of Tipu Sultan, the ruler of Sri Ranga Pattanam and fought against the Britishers. They exhibited their skills on the battle field and also spied for the ruler. The Sultan recognized the services rendered by the Sugalis and

conferred the title 'Naik' upon them. Cheenya Naik (2000) in his work, "Banjara Charitra, Samskruti-Pragati", says that the Sugalis are the Kshatriyas and hence they took the side of Tipu Sultan against the Britishers. His great grandfather had participated in the war and obtained a sword and javeline, as the gifts from the sultan. The Sugalis were held responsible for the victory of sultan. The result was that he issued a copper plate inscription which registers the grant of freedom to them in four aspects. They are:

1. When they lead a pastoral life, while moving across the villages, their bullocks are to be allowed to drink water without any restriction.
2. The Sugalis are given permission to graze their cattle on the green fields.
3. The Sugalis are not obstructed from cutting the fruits like watermelon etc., which are grown in the tanks during summer.
4. Bara Khuni Maaf: When there is a threat to their life, then they are permitted to kill 12 persons a day. If the number exceeds 12, then they can be prosecuted.

Except in the Telangana region, the Sugalis of South India have the title Naik as the suffix to their names.

The Naik is the Headman of the Gwor Panchayat of the thanda. Kharbari is the secretary who assists the Naik. The other members of the Gwor Panchayat are known as 'Panch'. The 'Davoo' is the Deputy of the Naik of the thanda.

#### **THE OFFICE OF NAIK**

The main position of authority has been that of the Naik of the thanda; only within the last few years has the start of an officially sponsored village committee weakened his pre-eminence. The Naik is an elected office-holder, the chief representative of the thanda, and until now the leader of the thanda in its dealings with official dom.

Occasionally there were complications of succession; there exists hierarchy among the members of the Gwor Panchayat. At anytime, there are differences in the personalities and inclinations of the office-holders which make them more or less influential. The Naik is the most respected man in the thanda. He does his job towards the inhabitants, but does not make any great efforts for outsiders. It is said that he 'escapes to the fields' when he hears of the approach of an official; and he himself admits that he grudges the time spent on entertaining visitors. The Naik is to be able to entertain work so that he can spend time on official business, and has wisdom and experience enough to use his authority correctly and these are the criteria cited for a successful headman.

The most important duty of the Naik is the preservation of law and order and also their customary law. He also acts as the channel for much other official business, though this task is now devolving increasingly on to the village



committee. Conversely, the Naik is the main link for communication upwards, from the Sugalis to Government.

He also takes the lead in certain rites held on a thanda wide basis. He participates in all the major annual occasions like Holi, Dasara and Teej festivals. He has to see that the programme runs smoothly as there will be a large feminine gathering. The above cited festivals are the major annual occasions for village gatherings. Almost the whole thanda assembles in one place; and the Naik and other officials act on behalf of the entire population. There are some rites which are only periodic. One such is the worship of the Seetla Mata, the small pox goddess, which is a thanks giving made every 20 years or so by women with children who have had small pox and recovered. This was an innovation. The Naik and his wife initiate the procession round the thandas and finally reaching the shrine of the Seetla Mata. Sometimes there are rites in emergencies. An instance is when there is an epidemic among the cattle in Lakshmaiahkunta thanda, the Naik do homage to the deities of the Sugalis.

**KHARBARI:** The Kharbari is the secretary of the Naik of the thanda. He assists the Naik in all the legal discussions and in delivering the verdict. In the mid of the serious discussion in Gwor Panchayat meeting, the Kharbari narrates the fairy tales (Saki) and also quotes the proverbs (Kanyeeeko Kachabha).

**DHAVOO:** The Dhavoo is the Deputy of the Naik. In the absence of the Naik, he performs the duties of the Naik. The kharbari assists and advice the Dhawoo.

**PANCH:** The other members in the Gwor Panchayat are known as 'Panch'. They are the elders of the thanda and are well known for giving the legal advices. Their suggestions are appreciated and obeyed by the Gwor Panchayat. They are very skilled in solving difficult cases by the way of using proverbs and sayings.

**DHALIA:** The 'Dhalia' is the Drum-beater-cum-Messenger. He announces the time of the meeting of the Gwor Panchayat. It is his duty to bring the litigant before the Naik. It is obligatory for him to attend the traditional council. He serves the people in the thanda and survives at the mercy of the people in the thanda. It is his duty to announce the Sugali community about the auspicious occasions, festivities, fairs and marriage dates. The Sugali community utilizes the services of the Dhalia at the time of marriages, and debate ceremonies.

**DHADIS:** The 'Dhadis' are the professional singers. They proudly call themselves as 'Gajugowa'. The word 'gonia' in Rajasthani language means a superior singer.<sup>18</sup> These Dhadis resemble the Sugalis in language, dress, speech, behaviour and food. They have also adopted some traditions and practices pertaining to a mixed Islamic culture. The origin of these professional singers is unknown and their origin can be found out only on the basics of some historical facts and the oral tradition.

R. Russel and Hiralal Roy Bahadur (1975) say's that, "These Dhadis submit that they are Sugalis' Bhat (servant). These people embraced Islam during the period of Humayun, the great mughal emperor."19 F.N. Cumberlej(1882) says, "Dhadis and Bhat are the same in Madhya Pradesh. Bhats are the ancestors of the Dhadis. At the court of Humayun, the servant of Guru Nanak was made to eat beef through cheating. He embraced Islam. His predecessors were Dhadis. Some of them entered the court of Mughals as professional singers and some became the social servants of the Lambadis. These singers offered prayers at the Mughal court. Once in a year, they go to the house of Lambanis and accept presents."20

This mixed culture of Hinduism and Islam is characteristic of the Dhadis. These Dhadis are professional singers and play the musical instruments like Sarang and Rabab:

"The Meerasis of Punjab and Dhadis of Rajasthan also use those stringed musical instruments while singing. The Bhats and Dhadis are popular professional singers in Punjab. They can sing songs before a huge audience throughout the night. They also use Alghos, Ekatari and Sarangi as musical instruments. The heroic songs, epics and romantic ballads are numerous in their literature."21 Hence these Dhadis are similar to the Bhats and Meerasis of Punjab. These dhadis have a distinguished place in the Sugali community. They are the custodians of the Sugali culture. They wander from one thana to another providing entertainment through the stories, narrative songs and propagate their religion and culture. He attends the Gwor Panchayat and helps the Naik in giving judgment, by quoting the proverbs and logically explaining the heroic fairy tales.

Besides this, the Dhadis were engaging in the work of finding out the brides and bride grooms and settle marriages. They have a special place during marriage and other religious ceremonies. They shoulder the responsibility during marriage ceremony. As the Sugalis were the nomadic traders in the ancient days, these people served the Sugali society as entertainers, messengers, brokers, fortune tellers and folk doctors. Thus they have preserved and protected the Sugali culture. The Sugalis provide them the livelihood by way of presenting cash, cattle and food grains.

**NAAVI:** He looks after the needs and necessities of the Gwor Panchayat. He is the professional barber in the thana. The Dhadi, Navi, and Dhalia are considered as untouchables by the Sugali community. These people are offered food, cattle and food grains by the Sugalis. The traditional Gwor Panchayat of Sugalis undertakes the following problems to settle down at their level, they are: (i) Nasab: criminal cases, (ii) Hasab: Settling the property disputes, and (iii) Matao: to settle the inter-thanda disputes and inter regional disputes.

The Gwor Panchayat tries all kinds of offences trifling as well as heinous offences. These are 1.Theft of cattle, 2.Dacoity, 3.Robbery, 4.Mischief by fire,

5.Kidnapping, 6.Disputes related to land, water and property, 7.Matrimonial matter, 8.Expectant baby in the womb, 9.Disputes related to sharing of agricultural implements and animals among the members of the joint family, 10.Adultery.

All these cases within the Sugali society are dealt with by the Gwor Panchayat. If the culprit is a Kor or non-Sugali, then they approach the nearby police station and file a case against him. Hence we can say that the Gwor Panchayat tries to settle the disputes among the Sugalis only. The reason is, an outsider cannot abide by the rules and restrictions of the Sugali community. A Sugali is quite adhered to his community and so he obeys the orders of the Gwor Panchayat.

The panchayat does not hesitate in punishing the guilty. The penalty is according to the nature of offence. The penalty is generally imposed in three ways: Fine in cash or kind, Public reprimand (humiliation) and Social boycott of the culprit by the entire society and non-cooperation with the daily routine of his life. Hatton, in his work, 'caste in India,' says that there are 24 types of punishment imposed by the Indian castes and tribes.

Nanjundayya & Iyer (1928) have given an account of the punishments and the fines imposed by the panchayat. Petty crimes are fined at the rate of 5 rupees as a mullet, payable to wool sack. The next great fine is a rupee to be paid in the name of the seven families of Rathore, in addition to a fine to the wool sack, making twelve rupees. The greatest fine that can be levied is seven rupees to the Rathores, six to the tribe of Chouhan, and 12 to that of Pamhar, besides five to the wool sack making the extreme sum of thirty rupees.

Though the above listed fines are imposed on the culprits, this is not continued in the present days. The Naik of the thandas impose the punishment irrespective of the clan. The other penalties inflicted may be corporal punishment, or the performance of a pilgrimage, or the collection of a fine by begging. But there is no evidence of death punishment. It is said that no Banjara or Sugalis should be liable to suffer death by the Gwor panchayat or Naik of the thanda.

However, the most severe and familiar punishment imposed by Gwor Panchayat is that which deprives a Sugali of the right to receive water, or the tobacco pipe, from the hands of his fellow men and forbids them like wise to receive it from him; they say, 'Hukka, Pani bandh.' If the case is very serious, then the person along with his family members is ex-communicated for a stipulated period. The ex-communicated people are not allowed to converse with the other people in the thanda. So also the people of the thandas should not maintain any relation with him. He is not allowed to attend the marriages, and death ceremonies and he should not celebrate the festivals in the thandas. Some of the details of the fine imposed by the Gwor Panchayat are:

A murderer is fined an amount of Rs.350 and bears the expenditure of the Gwor Panchayat (Khuner Sadetinso Pancher Vanjan).

A slanderer is fined an amount of Rs.60 (Chadiyar Sat).

A thief was to pay the cost of stolen articles plus an amount of Rs.25 (Maler, Moi, Pancher Panchchis).

There was severe punishment for abduction and rape imposed on culprits by the panchayat. If a maiden is raped the penalty is Rs.75 (Kunwarir Punaso). For raping a married woman penalty is Rs. 125 (Wayawalir Sawaso). For raping a widow an amount of Rs.150 as a penalty (Rand beerer dodaso).

It is also the duty of the Naik to settle the quarrels between the spouses. Scandals or dishonourable behaviour in a family are likely to spoil the name of the lineage and as such tradition enjoins the Gwor Panchayat to advise, warn and even admonish the erring members. A young man given to excessive drinking, gambling or any similar vice would often be admonished by the elder's council. If he cannot keep his wife under control, or if the quarrels of the two become very frequent and too public, the neighbours would convey the information to the Gwor Panchayat and expect them to use their initiative in putting things right. In all such cases they will be within their customary rights if they intervene. The Naik can demand that his advice is heard and followed. Any failure or reluctance on the part of a daughter-in-law to carry out the wishes of her mother-in-law leads to constant quarrels and complications and in many cases to ultimate separation. The Naik intervenes in such matters and tries to bring about reconciliation between the two.

Now-a-days, the Gwor Panchayat is concerned as much with reconciling the parties as with awarding damages or punishing offences. The Sugalis believe that an offence may disturb the balance between two groups, and this must be righted by an appropriate payment from the offender's side. Hence reconciliation is brought between the two parties. But modernity has not affected this age-old system of punishment and penalty in the panchayat system. The Gwor Panchayat of the Sugalis has a prominent place in modern times. The present day Lok-Adalats are based on this model.

However, the orthodoxy of the traditional leaders has become an incipient barrier to the social and economic development of the thandas. They lay more emphasis on following the traditional ways of life and punish those who do not conform to them and disobey the traditional caste councils in which they act as influential members.

**SOCIAL CONTROL:** The deliberations of the Gwor Panchayat cover a wide range of subjects. It deals with infringements of the rules of inter-caste relations (eating, drinking or smoking with forbidden castes, or allowing them to enter one's house);



contracting marriage or sex relations within forbidden degrees of kin and the killing of certain animals (cows and bullocks, squirrels, peacock etc). All these offences are ritual ones since they require a purification (a penitential pilgrimage to the temple of Sevabhaya at Cherlopalli in Gooty taluq of Anantapur district) as well as punishment (a fine, or the feeding of fellow beings).

The Gwor Panchayat also concerns itself with secular offences which do not need to be reported to the authorities, eg., disputes between men of their own tribe over land, non-cognizable assaults, non-payment of debts by sub tribe mates, the breaking of an engagement of marriage. In addition, the Gwor Panchayat may be held about matters of general importance - raising subscriptions for the construction of a temple in the thanda, and changing the jangad's name or recognizing him as a member of a particular clan so as to raise his status.

### **DISPUTE SETTLEMENT**

There are two sides to power relations and political organization as seen by anthropologists; how people organize themselves into collectivities, notably to pursue coordinated and cooperative actions, and how they cope with and settle disputes which threaten to disrupt collective organization, even social life, beyond a small circle of close relatives. The anthropology of law concerns itself with the comparative study of the institutions and processes found around the world for resolving differences between human beings and forcing into line those individuals whose behaviour threatens the orderly continuance of social life.

The Gwor Panchayat of the Sugali society has some clear, and some not so clear, conceptions of right and wrong behaviour and expectations of one another founded on the rights and duties which they conceive persons to have towards one another. Anthropologists refer to these variously as customs, norms and mores, even rules and laws. When a man and his wife clear and plant a garden, for instance, it is wrong for anyone else to harvest its produce without their permission; to do so is to steal from them. Similarly, in many thandas it is wrong for a couple to engage in sexual intercourse before the bride wealth exchanges are completed and they are formally married; to do so is referred to in many languages as 'stealing a woman' and provokes claims for recompense from the woman's relatives. Rape is a heinous offence which provokes strident social condemnation and firm, often violent, retaliation.

In any society there will be a range of such injunctions which people are brought up to respect and observe. The people who feature ethnographically in this chapter, for example, are reported to have more than hundred such legal 'rules'. But the status of such 'rules' in the stateless context should be approached with some caution and open-mindedness. Few people asked were apparently able to cite any of

the 'rules' and probably no single individual knew them all. When this ideal code of expected behaviour, rights and appropriate settlements was compared with actual disputes over infringements and their resolution, only 50 per cent of cases complied with it. Situational factors sometimes can determine the outcome of disputes as much as people's ideas about what ought or ought not to be done about any dereliction.

**HANDLING DISPUTES:** The Naik of the thanda handle disputes by arguing, keeping their tempers in check to varying extents, until they settle the matter to both parties' satisfaction, one admits having been wrong and makes amends or the plaintiff either lets the matter drop or resorts to some action which may cause the dispute to spiral, the other party interpreting the action as unjust and demanding damages, and so on. Two factors which have a significant influence on the course of a dispute are the relationships between the disputants and the seriousness of the offence. These determine the number of people likely to become involved or at least to show an interest in the dispute and the strength of their feelings about the matter. A minor dispute between close relatives will probably pass with few, if any, other persons interfering, a quarrel between two brothers over ownership of a tree in a piece of land owned by their father for instance, or a domestic quarrel between the husband and wife are unlikely to attract much interest or give rise to long-lasting argument. A serious offence between persons distantly related or unrelated will, in contrast, involve considerable members of people siding with their kinsmen, may drag on for some considerable time, and is likely to give rise to a serious violent encounter; a accused of raping an unrelated woman living elsewhere, for example, will find himself embroiled in an acrimonious dispute in which the tempers of many indignant people will run high, with demands from the woman's relatives for considerable compensation and probable rebuttals from his kin that the accusation is unwarranted. The Gwor Panchayath imposes maximum amount of fine on the convicted depending on the seriousness of the deviant behavior and existing value of money. Some case studies of the convicted are given below for a better understanding of the nature of crime and corresponding punishment.

### Case study -1

Thefts committed by the Sugali within one's native settlement are seriously viewed. , In 2010, Bilavath Kamala Naik of Lakshmaiahkunta thanda in Kurnool district was convicted for stealing sheep belonging to Nenavath Bala Naik. The Gwor Panchayath imposed a penalty of Rs. 15,000 on the accused persons who duly paid it to the latter. Out of Rs. 15,000, Rs. 10,000 was decided to pay to owner of the sheep and out of remaining, Rs. 3,000 was put for the development of

Marremma Temple in the thanda and rest of the amount was used for feast, liquor provided to elders of the Gwor Panchayath.

## TRANSITION OF POWER

With the passage of time of the traditional charm of the office of the Naik has been lost. When the Sugali were nomads, living on trade and transportation the office of the Naik was all powerful, his word was law and everyone obeyed the Naik and all economic activities of the 'thanda' (camp) decided by the Naik himself. Now this practice has been completely changed due to the sedentarization. Even today the Sugali tradition expects every one to consult the chief of the settlement before undertaking any significant thing. The pastoral Sugalis of Gonipenta thanda approach the present Naik, Pithavath Sankar Naik, for his advice in fixing the dates of auspicious programmes.

The Sugali say that the Naik has authoritative outlook and impartiality in discharging his duties he possesses good qualities as a leader and he has very good rapport with the dominant caste leaders (Brahmin, Reddy, Kamma, Balija) and with the government officials. He acts as sacred specialist or Pujari as well as traditional Naik of the settlement. He fulfills all the traditional obligations of the settlement. He officiates as a sacred specialist in conducting 'Maolipooja' and he is presented the head and legs of sacrificed animal. He is also receiving 'Sakerorupiah' (one rupee coin as mark of respect) at the time of betrothal community. He also performs the incorporation ceremony in which Jangad (adopted non-Sugali) recognized as original Sugali and officiates as a priest in the case of widow re-marriage. All the women of the settlement respect Naik by covering their heads with chantia or pallav (upper veil) and avoid talking to him directly. The educated girls do not strictly adhere to this custom.

An important change which has occurred in the traditional Panchayath of postoral Gonipenta thanda is that the Naik invites Gram Panchayt Samithi President, Pithavath Lakshma Naik for all Gwor-Panchayath meetings. In any case the Samithi President fails to attend the meeting, the meeting will be adjourned to some other convenient dates which are possible to the Gram Panchayath President. The Pastoral Gonipenta settlement is one of the best examples of the traditional as well as modern Panchayath system.

The traditional political organization of Bakkannagaripalli thanda in Kadapa district has slackened due to many reasons. The traditional office of the Naik has lost its charm because of the frequent interference of the non-Sugali leaders of adjacent Bakkannagaripalli, a revenue village of Sugali settlement. Here the traditional Naiks position is only nominal. In dispute settlement with the Sugali of the settlement, the caste leaders take lead in solving disputes and most of the Sugali do visit the caste leaders instead of approaching Gwor Panchayath. In

Bakkannagaripalli thanda, two disputes presented below as case studies were interfered by non-Sugalis.

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