



KARNATAKA STATE LAW UNIVERSITY'S LAW SCHOOL

Navanagar, Hubballi-580025
patilcrs@gmail.com

Prof. C. S. Patil
Professor

Date: 20-9-2021

To

The Registrar
Karnataka State Law University
Navanagar
Hubballi.

Respected Sir,

Sub: Submission of the Report of the Minor Research Project on "Literature Review, Kattemane at Nannivala, Vambuja Jain System and Budabuduke Tribe"

Ref: ಕೆ.ಕೆ.ಎ.ಎ/ಲಿ.ವಿ.ಯಂತ್ರಣ/ವಿವರಣೆ/2021-22/0943 ಐ. 17-9-2021

I am submitting herewith the Report of the Minor Research Project on "Literature Review, Kattemane at Nannivala, Vambuja Jain System and Budabuduke Tribe" of which I am the Principal Investigator and Ms.Sharada Shindhe is the Co-Investigator for your kind perusal. The literature review is to be further revised after looking into all the reports of the minor research projects. This is for your kind perusal.

Thanking you,

Yours faithfully

C.S. Patil
(C.S.Patil)



[Signature]

Registrar
Karnataka State Law University
Navanagar, Hubballi-580 025.

[Signature]

[Signature]

IQAC COORDINATOR
Karnataka State Law University
Hubballi-25.

**Report of the Study of Dispute Resolution System in Budubuduke Tribe,
Kattemane at Nannivala and Vambuja Jain Temple**

Prepared by

Dr.Chidananda Reddy S. Patil,
Principal Investigator
Professor, Karnataka State Law University, Hubballi

Ms.Sharada Shindhe,
Co-investigator
Assistant Professor, Karnataka State Law University, Hubballi

Mr.Mahesh Mundinamani,
Research Assistant

Submitted to

**The Karnataka State Law University
Navanagar, Hubballi**

**Report of the Study of Dispute Resolution System in Budubuduke Tribe,
Kattemane at Nannivala and Vambuja Jain Temple**

Prepared by

Dr.Chidananda Reddy S. Patil, Principal Investigator

Ms.Sharada Shindhe, Co-investigator

Mr.Mahesh Mundinamani, Research Assistant

I. Gondaliga or Budubuke Samaja

1. Methodology

Interview and focussed group discussion methods are used to collect data and prepare this report. In this connection, the team interacted with the office bearers of the Akhila Karnataka Gondali Samaja Sangha and visited Kerekattevadi near Chennagiri wherein a focussed group discussion was held with the people of the wadi.

2. About the Samaja

Gondali people are a nomadic and semi-nomadic tribe. They are migrants from Maharashtra and worship Amba Bhavani deity. They were a sort of secret agents of Rajas who will go in different guises into various villages and bring information to the king. When war broke out, they migrated to Karnataka and took up different professions like prophesy, vending toys, etc.

About 6 lakh population. Sub castes- joshi, vasudeva, bhattangi, etc. 50% of them are nomads even now (alemari). Many of them are living in cloth huts, a sort of tent like structures. Many are involved in begging and small business. Only about 10% of them have education. About 2% are in small employments, 5% are financially independent. Around 80% do not have lands, homes and economic independence.

There are 198 'bedagu's in this community like waaster, Shindhe, wakod, mukka, naikal, etc. They live in wadi. Wadi is a conglomeration of about 50 to 250 houses.

3. The institution and procedure: Katte Nyaya- Daivada Katte

They have a system of resolution of disputes. The system involves panchas and a Nayka and a Payka. The office of Nayka and Payka are not hereditary. Panchas are chosen from waaster, wakod, mukka, bhagwan and shindhe bedagus which are prominent among all.

Recalling from the memory as explained by his father, one elder explained that the practice prevailed for more than 100 years. They were nomads, roaming around in different places, raising

Contents

I. Gondaliga or Budubuke Samaja

1. Methodology
2. About the Samaja
3. The institution and procedure: Katte Nyaya- Daivada Katte
4. Constitution of panchayat
5. Type of disputes
6. Procedure
7. A step towards better organisation
8. Eloping
9. Penalty
10. Appeal System
11. Reasons for right decisions
12. Reasons for survival

II. Nannivalla Kattemane

1. Methodology
2. Introduction
3. Kattemane - the Concept
4. Nannivala Kattemane
5. The procedure
6. Reasons for acceptance of decisions
7. Type of disputes resolved

III. Hombuja Jain Temple

1. Methodology
2. Introduction
3. Mythological story
4. History of Humcha Jain Matt
5. Dispute Resolution by Swamiji at Padmavati Temple.

IV. Critical Evaluation and Conclusion

cows, sheep and horses. Three four families will move together. They will go from village to village in search of livelihood. Whenever disputes arose, they were keeping their disputes till all of them assembled at a decided village and place on a festive occasion like Dasara or Deepavali. They will assemble under a banyan or any other shady tree. On that occasion, many matrimonial alliances will be settled, transactions will be settled and disputes also will be resolved. If any disputes arise when they are on the move, they will not go to anyone in that village or police station as it will be treated as an insult to their caste (samaja).

They were taking tree as a witness to the decision and they will put a mark on the trunk of the tree with an axe and take betel leaves and areca nuts to mark the resolution of dispute. Preference was given to direct witnesses. If three witnesses come out with the same version, decision will be based on that. If there were no eye witnesses, the parties will be asked to take oath (pramana). Both the parties have to deposit a sum decided by the panchas (for about Rs.10,000/- each) and then swear. After that the panchas will set two persons each to watch the disputants. If any thing untoward happens in their family like someone getting health problem, death of a dog or a hen, etc., it will be concluded that that person has falsely sworn. The whole expenditure of the meet was to be borne by him. This superstitious practice was discontinued for about 70 years back.

4. Constitution of panchayat

In a wadi there will be five leaders – panchas, there will be one patil, chairman, chalka-bolka (talawar), katidar and chadidar. All these offices are hereditary. It is a permanent body. The people of this caste do not lie because they have to survive together. Ladies are not allowed to sit in panchayats. In every wadi annually at least 15 to 20 panchayats will be held. The system is not state supported and functions on non-profit basis.

5. Type of disputes

Disputes relating to land, partition, matrimony, eloping, inter-caste marriages, disputes between brothers, daughter in law and mother in law, etc are resolved through Katte Nyaya.

6. Procedure

If there is any quarrel or any dispute, usually panchayat will be fixed at 8 am. Depending upon the nature of the dispute, they may sit through the day. Talawar will inform the people of the wadi previous night that there is a panchayat and everyone has to attend. Before the panchayat the witnesses will speak truth. When disputants come before the panchayat, they will be heard and they will be asked to bring witnesses. The witnesses will be told that they have to state what they have seen, what they have heard and they have to give evidence. If they know facts and fail to testify

them or wrongly testify, they will be cautioned that either they and their children will lose faculties. If they have seen an event and fail to testify, they will lose eye sight; if they have heard and fail to testify, they will lose hearing ability and those who know facts and fail to testify will lose their speech. Evidence of relatives will not be accepted. Only evidence of caste people will be accepted. The elders will convince the disputants not to quarrel and live in a cordial manner. Penalty will be imposed when a party commits the mistake for the third time.

Both the parties should come to get their dispute resolved. If only one party comes, he will be asked to wait. The system has an inbuilt mechanism which will compel the other party also to go before Daivada Kattu. Anyone deviating from the discipline of the community will attract social boycott and no matrimonial relations will be entered into with his family. They usually assemble at Daivada Kattu. The parties will be cautioned that if they sit on Daivada Kattu and lie, they will be destroyed and afflicted with bad consequences. They have to swear in the name of their family deity (kula devathe) or the deity in that area. Both the parties will be called separately and their versions will be ascertained. The parties may bring someone else to represent them. They may bring friends, relatives or anybody else. Sometimes, after hearing the versions of the parties, they will be sent back and the panchas will resort to ascertaining of truth (*satya shodhane*). They check the background of the parties, check facts, and make out if a party has lied. The neighbours and other persons who are acquainted with the facts of the dispute will be consulted. Often the facts are already known to the panchas before the parties have approached them. On behalf of parties others also may speak. Finally the decision will be given by Panchas. They are the people who are chosen for their wisdom and uprightness. The parties are bound by their decision.

The parties accept the decision because they have to survive in the community. If the party has committed a grave wrong, a penalty- danda will be imposed. The disputes are resolved within one hour generally. Some times when facts are not readily available, it may take one week. There are no yardsticks for imposing penalty. Generally for the first two mistakes penalty is not imposed and the party will be excused after admonition. If he repeats the mistakes for the third time, penalty will be imposed. There may be ostracism or excommunication or social boycott also for a definite period. People fear excommunication than penalty. If the disputants do not accept the decision and prefer to go to some other wadi and live there, that wadi will not accept them and they will be advised to go back to their own wadi and accept the decision of elders.

If the dispute involves sensitive matter like sexual abuse, etc. the parties will be heard at home, not in public. If women are involved in disputes, only the concerned will be called to panchayat and inquired. Public is not allowed to attend such meetings. If the matter requires their confidentiality or secrecy, only panchayas will discuss and decide.

7. A step towards better organisation

The people of this community have formed Akhila Karnataka Gondali Samaja Sangha. This is a registered association established in 2011 with its own bylaws. There is an Advisory Committee (Salaha Samiti) at the State Level which consists of a President, a Principal Secretary and one representative from each district of Karnataka. This committee appoints President and Secretary for the state level office. If the dispute is not resolved at the wadi level, it will be brought to President and Secretary for decision. If it is not resolved at that level also then it will go to Advisory Committee. The same hierarchy is resorted to when a party to the dispute is not satisfied with the decision. When the dispute is to be resolved by President and Secretary or by the Salaha Samiti, they will go to the wadi where the dispute had arisen and decide. As the purpose is to resolve dispute and provide justice, generally penalty is not imposed. The decisions are taken as per their customary rules. There are Advisory Committees at the district level which are charged with the responsibility of resolving disputes locally or with the help of state level authorities.

For the past ten years the decision of the Salaha Samiti are reduced into writing and signed by the committee members and other elders present. When the people of wadi, Nayka-Payka invite the committee, then only the committee will go. The expenses of the Committee is to be borne by the parties to the dispute. There are improvements like not extending social boycott of parents and grandparents to the children, acceptance of love marriages, etc. If any one marries a non-gondali, the other party should convert to gondali caste. Earlier, they were attracting social boycott. There are instances of biased decisions also which have come to notice. There is an instance where a person, who is an advocate, who had married from another caste was boycotted, he took the matter to Inspector General of Police and the panchas had to bear the brunt. Now a days, as the awareness has increased, education has increased, people of gondali samaja have entered all walks of life. In the changed scenario, the committee is conscious of the situation and they do not take any decision which is contrary to law. If necessary, before the committee visits a wadi, they inform the police also so as to avoid any untoward incidents as sometimes people get flared up, sometimes they come drunk, etc.

Earlier, sometimes, the local panchayats were imposing exorbitant penalty and share that penalty amount among themselves. The Committee has zero tolerance towards such practices and has brought an end to such practices. The object is to create an environment of cordial coexistence.

When parties do not accept the judgment, they will be advised to go to courts of law. About 70% of the disputes are resolved through this system and for about 30% of the cases go to courts.

8. Eloping

In case of eloping, two people of Samaja will be sent to search them. If found, they will be brought back. If they have voluntarily gone, they have to organize a feast at their cost for all. There will be a marriage, but not a ritualistic full-fledged marriage, it is known as *palaga-palagi* - marriage of eloped. In the early morning five elders will smoke gudugudi (hukka) and give Vibhuthi and Dhavana to those who had eloped. With this, their children will not be afflicted with any stigma and they can participate in all the rituals. However, the couple which had eloped will be subject to some disabilities; that lady cannot touch arathi, kalasha, apply termaric, etc. The man will not be eligible to be given Kumkum. Giving betel leaves with areca nuts and kumkum are very important in this community. He will be disqualified from holding any office or position in the community; he cannot become a pancha. If such a person is present in an engagement ceremony, where a matrimonial alliance between a bride and bridegroom is finalized, where betel leaves with areca nuts are given to elders who will bear testimony to the alliance and assume responsibility to take it further, it will not be given to him. Like this there are many inbuilt methods of marginalizing the wrongdoer because of which people are deterred from committing mistakes.

9. Penalty

If the wrong committed is small, the wrong doer will be convinced of the fact that what he has done is wrong; he has to accept the mistake and the matter will be resolved over a cup of tea for all those who have assembled at the cost of the wrong doer. If the mistake is of higher implication, punishment will be imposed. It may take the form of a penalty of 11 rupees placed in betel leaves and areca nuts which is to be submitted to the panchayat. In this community, paying penalty is treated as disgraceful and it is attached with lot of stigma. After paying penalty, the wrongdoer should prostrate to the feet of panchas. This will make him feel humiliated and he cannot move in society with his head held high. He will feel ashamed and embarrassed. This will also have deterrent effect on others. Usually the penalty is less. If the wrong is against women, it may be more, so as to create deterrent impact. If the wrong is grave, there will be higher penalty. It can range anything from Rs.10,000- to a lakh. All that money will be put in the hundi which will be with a pancha and used for development of the community and to help the community people in distress. In 60% of wadis, this practice is prevalent.

10. Appeal System

When complex problems are involved and it is not possible to resolve the dispute at the level of wadi or one of the parties contests or challenges the decision taken at the wadi level, then both the parties will be asked to contribute equally for constituting a appellate forum: using that amount, panchas of four other wadis will be invited to sit in appellate forum. The matter will be heard and

decided by those 25 panchas of five wadis in a joint sitting. The losing party has to bear the whole expenditure and the winning party is to be reimbursed of his contribution by the loser. The expenditure may range from Rs.10,000/- to more than a lakh. Before convening the panchayat involving multiple wadis, the wrongdoer will be taken to a temple or some other place and will be counselled to accept the wrong and correct himself. If he continues to contest, then panchayat will be convened involving panchayas of other wadis. In majority of the cases, the person who initially challenged the decision will realise his mistake and come forward to accept the decision of panchas and apologises to them. In such cases, apology will be accepted and he will be excused. He has to offer only tea to all those who have gathered. It is to be noted that the decisions of panchas will be publicized in the neighbouring wadis and they will be evaluated for their correctness. This system compels consideration of the panchas.

11. Reasons for right decisions

Panchas cannot give a wrong decision. There is a mechanism to ensuring this. The wadis have interrelation with other wadis. For example, Kerekattewadi has interrelationship with Antaragatte near Ajjampura, Joladal near Chennagiri, Jamapura and other surrounding wadis. When panchas of this wadi go to other wadis to participate in resolving disputes, at the beginning itself, their decisions in their own wadi will be reviewed or discussed. If they had given a wrong decision, they will not be allowed to participate in panchayat. This scrutiny by the people of other wadis requires the panchas to be upright and impartial. They have to retain their prestige by delivering just and acceptable decisions.

12. Reasons for survival

The panchayat system is surviving because of the unity in the community. They have to live in the community. It is difficult for anyone to go out of the community and survive because of the fact that they are minorities. A person cannot go from one wadi to another wadi. The other wadi will not admit him without the consent of the original wadi to which he belongs. One has to join a wadi authoritatively. He may build a house and live there, but he will not be admitted to the wadi.

As this community is very backward with meagre economic resources, for peace and well being of the society, unity becomes essential. If the parties are allowed to go to an outside agency for dispute resolution, it may lead to wastage of prodigious and scanty economic resources and affect the unity of the community. The youngsters are also groomed in this direction of preserving the values of the community. A person who goes to police station will be warned by the elders that no one will socialize with his family anymore.


Registrar
Karnataka State Law University
Navanagar, Hubballi-580 025.


IQAC COORDINATOR
Karnataka State Law University
Hubballi-25.