

Karnataka State Law University

Navanagar, Hubballi 580025

Minor Research Project

On

**“NAYAKA PANCHAYAT SYSTEMS
IN NAYAKA TRIBE IN
CHITRADURGA DISTRICT”**

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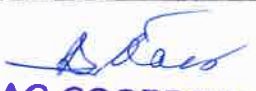
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I. INTRODUCTION

Culture is the man-made part of Environment. There are 3 stages in the development culture

- i) Primitive Culture (Adivasi Samscruthi)
- ii) Rural Culture (Gramenna Samscruthi)
- iii) Urban Culture (Nagara Samscruthi)


Tribes belongs to primitive culture. Every tribe has its specific culture and it has its own traditions. Tribe means in general, Family, Community. The word Tribe originated from Latin word 'Cults', later in German language as 'Culture'.

The term 'Tribe' or 'Ethnic Group' connotes a socially cohesive unit, associated with a territory. The members of which regard themselves as politically autonomous and culturally distinct. It is a collection of families bearing common name speaking a common language. India has the largest concentration of tribal population. The tribes are earliest settlers and were called Adivasis. Their occupation ranges from hunting, cultivation, artisans & folk artists. Their culture varies from one group to another group.

In the large parts of the world, indigenous courts, counsels of elders and similar traditional authorities play a central role in the resolution of disputes. Despite all cultural differences, they share common features. Their relationship with the state Justice Institutions are in many cases problematic, wherever they are not formally recognized. But they are perceived as legitimate Institution by local populations. Therefore, more recent trend is that to aim at building the rule of Law and improving access to Justice which includes informal Justice Institutions as important stake holders. In many cases their positive potential can only be effectively used if they are reformed and linked to State Institutions in order to ensure the protection of Human Rights and to uphold the Rule of Law.

India has the oldest Informal Justice systems in the world. Sir Henry Maine described the legal system of ancient India "as an apparatus of cruel absurdities". An Anglo-Indian Jurist remarked that "the oriental habits of Life" of the Indians before the British Rule. It is a record of experiments of Oriental habits of life and there was a dearth of legal principles.

Informal Justice systems have existed in almost all societies and in all times. Informal justice systems may be run by traditional or religious authorities, elders or other respected community members. They "Informal" in the sense that they apply non-state methods of


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conflict resolution. These Institutions stand out of the official state and are perceived as “informal” by the people.

Informal Justice Institutions may be regarded as part of the overall governance system. Rural populations often have better access to Informal Justice systems than to the State Judiciary and they prefer them due to the following reasons:

1. The proceedings take place at spot/on site
2. It is cheaper/free of cost
3. It is less prone to corruption
4. It is exercised by trusted people in the language everybody speaks in the community
5. The decisions are taken according to the rules known to all community members
6. Informal procedures aim at restoring social peace instead of enforcing abstract legislation
7. They are Consent and Justice oriented.
8. Informal systems are culturally comfortable
9. Quick disposal of cases
10. Informal system may not lead to more problems between disputing parties

Therefore, Informal Justice systems allows for better “access to justice”.

Apart from the above reasons, the Informal Justice Institutions are, in large geographical areas, the only choice due to the absence of the state and due to the breakdown of the formal Court systems in ancient times. In view of the enormous importance of Informal Justice systems at the gross root level and their potential as effective means of conflict resolution, they have been identified as one of the core issues for the Rule of Law in many countries, particularly in India.

II. RELEVANCE OF THE STUDY

This study confines to the significance of Informal Justice system prevailed in Kadugollas and Myasabedars who have heredity and historical background in Chitradurga district. They have preserved their distinct culture in the district.

This study mainly concentrates on the traditional life preserved by Myasabedars tries to understand the culture including the Informal Justice systems. Mr. Krishnamurthy Hanur has studied the cultural aspects of Bedars, Gollas and Lambinis in his work “Malenadu Janapada”. The information of Kadugollas and Myasabedars are available throughout the


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district. Mr. Harish Kumar Gowda N has studied the importance of Informal Justice system in his work "Kattemanes". (Harish Publications, 1979) The tribes have their own method of dispute settlements particularly the Myasabedars/Nayaka community. They have their own Panchayat system and it is part of their day-to-day life.

Kattemane means Panchayati Katte. It is an Institution of the Community to resolve internal conflicts, unlawful and immoral activities in the community. The institution which is resolving these types of disputes in an informal system is 'Kattemane'. This Kattemane is having Jurisdiction over the Nayaka community/tribe.

HISTORY OF CHITRADURGA DISTRICT:

Chitradurga district is an administrative district of Karnataka State in Southern India. It is popularly known as Fort City. Chitradurga gets its name from Chittrakaldurga, due to an umbrella-shaped lofty hill found there. Traditions dates Chitradurga districts to the period of Ramayana and Mahabharata. The whole district lies in the valley of Vedavathi river with the Tungabhadra river flowing in the North West. During the British times it was named Chitaldroog. The district was practically ruled by all the dynasties.

Nayakas (Beda) of Chitradurga (1588-1779) ruled parts of Eastern Karnataka during the post Vijayanagara period. During the rule of Hoysala Empire and Vijayanagara Empire, they served in Military. Later after the fall of the Vijayanagara Empire, they ruled independently as a Vassal of Mysore kingdom, Mughal Empire and Maratha Empire. Finally their territories merged into the province of Mysore under the British rule. The district is hilly, with lots of Forts and Villages. Therefore, it is called as a Fort City.

Chitradurga district is one of the country's 250 most backward districts (out of total 640). It is one of the five districts in Karnataka currently receiving funds from backward regions Grant Fund Programme.

According to the 2011 census Chitradurga district has a population of 16,60,378. The district has a population density of 197 inhabitants per square kilometers. Its population growth rate over the decade 2001-2011 was 9.39%. Chitradurga has a Sex ratio of 969 females for every 1000 Males and a literacy rate of 73.82%. It is at distance of 190kms from Bengaluru. It can be easily recognized while travelling on the National Highway No.4. Chitradurga consists of 6 Taluks: i) Chitradurga ii) Molakalmuru iii) Challakere iv) Hiriyyur v) Hosadurga vi) Holalkere


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Chitradurga district is a dry area. The Jatras and Festivals are celebrated by offering Pooja to cattle and Unity is formed among them.

The Kadugollas worship Kyatappa, Junjappa, Gourasandra, Marakka Marahally Bhutappa etc deities. The Myasabedars worship Thippeswamy etc.

III. SOCIO-CULTURAL, ECONOMIC AND RELIGIOUS BACKGROUND OF NAYAKA TRIBES

The Nayaka tribes maintain distinct culture without assimilating with villages or others. The beliefs, observations and social controls offering to deities are all distinct. The traditional forms of hunting, cattle rearing etc., group them together for Security, Unity and Community feeling.

The Kadugollas talk in Kannada and in tribal language. The Myasabedars/Nayaka converse in Telugu more and their language denote their tribal character. The tribal community has been giving importance to kinship as a practice. The family decent relationship all based on kinship. They are basically nature worshippers, parental worshipping and worshipping of deities.

The culture of tribes is inclusive in administrative setup. The power is distributed among the Family Head, elder King (Dorai), Dasayya, Kiları and Peon etc., on traditional system. Everyone is hierarchically respected and important. Nobody is high or below as the Welfare of the tribe is Supreme.

They are leading simple living with traditions. Since they are poor, they have not improved their living conditions. The economic activities of tribes have been divided as

1. Non-agriculture activities - hunting, animal husbandry, milk products, sheep farming and forest products collection and marketing
2. Agricultural activities - Majority of tribal are agriculture laborer's, small farmers, cultivation depends on rain. They have been growing traditional crops like food grains-ragi, jola etc. Due to the lack of mechanization of agriculture they have less income and their economic condition is poor.

IV. HISTORY OF NAYAKA PANCHAYAT SYSTEM


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Nayaka tribes in Chitradurga District migrated from Srishyla of Andhra Pradesh. Later on, they settled some time in Aneundi near Hampi during Vijayanagar Rulers. During this period, they constructed their own settlements and served in military as servants. The leader of this community Katimallanayaka perented the gifts to the Vijayanagara Rulers and obtained the title "Akilanda Koti Brahmanda Nayaka" and started to do the administration of his community. After the demise of Katimallanayaka during the 17th century the Chitradurga rulers has given the title to the Mallapa Nayaka as "Manmahanayakacharya" and authorized Mallapa Nayaka to administer the Nayaka community justice by establishing panchayat system in the name of "Kattemane".

When Nayaka community migrated from Shrishyla in Andhra Pradesh brought 12 boxes of Gods. Thereafter they established 9 Kattemanes in the name of 12 Gods as Non State Judicial authority in Chitradurga district. The following are the 9 Kattemanes in different taluks of Chitradurga districts.

1. Rayalu Katte; Padimuru, Devarahatti in Molakalmuru Taluk
2. Ragina Katte; Kampala Devara Kattemane, KamlpalaDevarhalli Molakalmuru Taluk
3. Rachha Katte; Jaglur Taluk
4. Moalkala Katte; Chintagutlu Kattemane, Khudapura, Challakere Taluk
5. Noolakatte ; Hattia Mallapa Nayakara Kattemane, Nayakanahatti, Challakere Taluk
6. Akala Katte; Chitradurga Taluk
7. Pookala Katte; Chikkanayakana Kattemane, Nannivala
8. Achara Katte; Challakere Taluk
9. Giri Katte; Challakere Taluk

In the above 9 Kattemanes, the following 3 Kattemanes are working.

1. Kondamari Kattemane; Gonuru-Molakalmuru Taluk
2. Usakumari Chavadi; Nannivala – Challakere Taluk
3. Nagara Kattemane ; Nayakanahatti, Challakere Taluk

Presently the only Nannivala Kattemane in Challakere Taluk is working occasionally due to the Social transformation and establishment of State Judicial systems.

V. STATEMENT OF THE PROBLEM


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The Informal Justice system are in many cases problematic due to non-recognition by the State. They are perceived as legitimate institutions by local populations. If the informal Justice system cannot be used effectively will lead to violation of basic Human rights. Further it is not possible to have more comprehensive approach towards building the Rule of Law. Therefore, more recent trends that aim at building the Rule of Law and improving access to Justice will be based on inclusion of Informal Justice system.

VI. OBJECTIVES OF THE STUDY

The following are the objectives of the study

1. To understand the origin and evolution of Tribal community in Chitradurga District.
2. To understand the Socio-Cultural, Economic and Religious background of Tribal community.
3. To study the administration of Informal Justice system in Nayaka tribe and types of disputes decided.
4. To understand the composition, powers of non-state Judicial system.
5. To understand the procedure of non-state Judicial system for conducting cases.
6. To understand the decisions and punishments imposed by Informal Justice system.
7. To analyze the advantages and disadvantages of non-state Judicial system.
8. To understand whether non-state Judicial system is complementary to State Judicial system.

VII. METHODOLOGY

It is both doctrinal as well as non-doctrinal. The primary data collected from a simple survey conducted personally by interviewing the Tribal Panchayat members. The secondary sources have been collected from textbooks, journals, Newspapers, Articles, and report of Commissions. A Questionnaire has been prepared for collecting data from Panchayat members.

VIII. HYPOTHESIS


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In accordance with the study the following hypothesis have been formulated.

1. The inclusion of Informal Justice system will lead to build the Rule of Law
2. The inclusion of Informal justice system will ensure the Basic Human Rights
3. The Informal Justice system will restore Social Peace, based on consent and Justice oriented allows for better 'Access to Justice'

IX. RESEARCH DESIGN

The study is conducted in Chitradurga district of Karnataka state with special reference to Nayaka Tribes non-state Judicial systems. Chitradurga district is one of the backward regions and second smallest district in the State. The data collection for the study starts with survey and the field work was carried out with the help of Questionnaire. The firsthand information on the composition, powers, educational background, procedure, cost, punishments, and the type of disputes referred to the non-state Judicial authority was collected and analyzed based on the questionnaire.

X. REVIEW OF LITERATURE

Following are the brief literature review pertains to the Nayaka Tribe non-state Judicial systems in Chitradurga district.

1. Francis Buchanan's Journey through Mysore Canara and Malabar(1807) relating to life of Kadugollas protecting the livestock by putting up fire fence around the cattle herd from wild beasts and cattle lifers during nights.
2. L.K. Anantha Krishna Iyer, Mittal Publications, Delhi 1928 "The Mysore Tribes and castes" Vol-2, this study reveals the different Tribes, rituals beliefs, celebrations, and their worshipping deities etc.
3. K.S. Singh -- The scheduled Tribes Vol-III deals with different tribes and their culture and rituals.
4. Havanur L.G -- Karnataka Backward class commission report deals with different tribes -- Government of Karnataka -- 1975.
5. Harish Kumar Gowda N. Kattemanes, Harish Publications, 1979 reveals the details of Kattemanes in different taluks of Chitradurga district.
6. Mysore State Gazetteer (Chitradurga district) -- B. N. Sathyan, 1967 discussed about History of Chitradurga and different tribes.


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