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Dispute-processing among a group of non-pastoral nomads : the Nandiwalla

INTRODUCTION

The literature on nomads in India is as yet rather scanty and superficial (see Misra 1970 for an overview). The existing literature does not betray a concern with the handling of internal disputes among nomadic people, though Misra's dissertation (1966)¹ does contain some excellent material on the handling of disputes among the Gadulia Lohar of Rajasthan. The purpose of this paper is to give a preliminary report on dispute processing² among one non-pastoral nomadic caste-cluster, the Nandiwalla of Maharashtra.

Nandiwalla have been extensively described elsewhere (Malhotra 1974), so only brief background will be given here. The Nandiwalla number about 2,500 individuals, divided into four ranked endogamous groups or *putta*. The groups and their populations, in decreasing order of rank are :

1. *Patil Putta* pop. 800
2. *Chaugule Putta* pop. 1,150
3. *Komti Putta* pop. 460
4. *Daundiwalla* pop. 55

While all four groups are Nandiwalla, and are regarded by outsiders as one touchable caste-cluster, the *putta* relate to one another almost like the four

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varna. While personal touch is not important, the touch of Komti and Daundiwalla will pollute cooked food and water vessels for Patil and Chaugule. The Patil and Chaugule will not interdine with Komti or Daundiwalla, and the latter two groups must observe some deference, particularly to Patil. This deference is important in the functioning of the panchayat, as will be shown. Among themselves, Nandiwalla speak a dialect of Telugu, though all are also fluent in Marathi and some know still other languages.

Their traditional occupation is to take bulls around to the different villages and to collect donations from the villagers. The bulls are trained to perform tricks; villagers donate in response to the tricks, but more importantly as an act of veneration, since the bull is the vehicle of Lord Siva. Like other nomads in India (Misra 1970 : 170-193) they provide secondary services, such as supplying folk medicines and small trade items. In recent times, some Nandiwalla have left off training bulls and have become traders of bulls, a potentially far more lucrative business. Thus, there are no longer any competent bull trainers in Patil Putta, although many men trade bulls.

Although individual Nandiwalla may be quite poor, the community as a whole is by no means impoverished. As mentioned above, bull-trade can be quite lucrative. Some Nandiwalla have become money lenders to the village people; they are quite reluctant to talk about their funds, but it seems almost certain that there are *lakhs* of Nandiwalla rupees circulating in south-western Maharashtra. However, even those individuals who have a great deal of money are not ostentatious with it.⁹

While they are true nomads, the Nandiwalla assemble during every third rainy season at village Wadapuri, of Indapur Taluka, Poona District. It is during their stay here that these people perform most of their socio-religious ceremonies, and their own claim is that all disputes arising over the course of their travels between gatherings are put off and resolved by the panchayat at the next gathering in Wadapuri. To be sure, the meetings of the panchayat are important during the Wadapuri stay. But it seems obvious that some mechanisms must exist to at least alleviate the social pressures caused by disputes without necessitating a wait of three years for adjudication.

Accordingly, the present study was undertaken during July and August, 1975 to determine : (1) the structure, role and functioning of the Nandiwalla panchayat, and (2) the other mechanisms used for dispute processing outside of the panchayat. The method involved a combination

of interviewing and observation. The latter was limited by the fact that our accommodations were not actually in Wadapuri but were several miles away in Indapur. Nevertheless, we habitually stayed the entire day at Wadapuri, and since the Nandiwalla retire early, we probably missed relatively little of their everyday life. One member of our team, a Telugu speaker, observed the panchayat meetings (which are carried on in Telugu) and interviewed in that language. Other interviews were undertaken in Marathi

A major problem did, however, arise. The highest ranked group, Patil Putta, was split by factionalism, with a result that the whole caste-cluster became polarized and many people did not come to Wadapuri. Only half of the Patil came, and most of the Komti, under one of the faction leaders. No Chaugule were at Wadapuri, and the other half of Patil Putta also stayed away. Finally, no Daundiwalla came. The absence of so many people, particularly the entire Chaugule Putta, made observation of normal panchayat procedure impossible. While the panchayat did meet, the absence of Chaugule seems to have skewed procedure. We had been interested in the interactions of these ranked groups in the panchayat deliberations. While it was still possible to observe the interaction of Patil and Komti, the absence of Chaugule probably affected that relationship. We were less concerned about the absence of Daundiwalla; since the size of that group is so small, they are not very active or influential in the panchayat.

In view of these difficulties, our conclusions are rather tentative. Some of the analysis could not be confirmed by observation, and therefore more complete analysis and interpretation await further work.

A further point must be made here. While factionalism is a type of dispute, we will not deal with the mechanics of Nandiwalla factionalism in this paper. Factionalism is a type of continuing, intense dispute (Bailey 1969 : 52-54) which exists because of the inability of the usual dispute processing institutions of a society to effectively intervene in a political conflict (Swartz, Turner & Tuden 1966 : 36-37). In the Nandiwalla case this inability was unwittingly pointed out by the two factional leaders, each of whom independently said that he would have the panchayat outcaste the other. Since both parties were about equal in size, neither would ever be able to effectively outcaste the other.

While factionalism can become so severe as to cause virtually complete breakdown of societal institutions (see Siegel & Beals 1960), it has not yet reached that stage among the Nandiwalla. Since the factional dispute is being carried on outside of the usual political and social channels,

and is in fact a new kind of dispute for the Nandiwalla, we can call it abnormal dispute (cf. Beals & Siegel 1966 : 22) as opposed to the more usual, or normal, processes of disputing. The factionalism among the Nandiwalla seems to be a new phenomenon, which has not yet become institutionalized. In view of the abnormality, by traditional Nandiwalla standards, of the factional strife, it will not be considered here. We are more concerned with the traditional patterns of disputing; the dynamics of the new factional conflict will be dealt with elsewhere.

SETTING FOR DISPUTES

We are concerned here with the social milieu in which internal disputes occur. By internal disputes we mean those between members of each of the four Nandiwalla groups and between these groups. Conflicts with non-Nandiwalla are probably handled on the spot, a deal being made to the relative satisfaction of both parties though perhaps favoring the non-Nandiwalla. When the Nandiwalla are in Wadapuri, non-Nandiwalla with claims against the nomads take the matter to the Nandiwalla panchayat. The panchayat will deal with the matter, as it must maintain good relations with the settled people.

During the triennial stay in Wadapuri, the chances for disputes are enlarged. First, the sheer physical proximity of so many people opens the possibility of conflict. Second, when the Nandiwalla are at Wadapuri they drink heavily and this leads to more strife. Third, major intra-familial negotiations—e.g., weddings—take place at Wadapuri; these are occasions in which claims on resources are made, and inconsistencies are apt to arise.

For all of these reasons, the chances of conflict are great at Wadapuri. When the Nandiwalla are there, however, the panchayat can be immediately called to act on the case. This is not the case when the nomads are travelling throughout the countryside. When they leave Wadapuri, each *putta* leaves as a group and travels that way for several days. Then the *putta* break down into *gotra* (clan-like organizations), patrilineages and finally, nuclear families (Malhotra 1974 : 82). The common migratory group is the nuclear family, joint families being uncommon (Malhotra 1974 : 80). This tendency towards familial independence is reflected in the distribution of the most basic economic resources, the actual right to operate in a given territory. What is apparently the older, more established part of their range is called *vatan*.⁴ This territory is further broken down into a number of villages, each also called *vatan* or *hakkoche gaon* ('rightful villages'), in which a given individual has the hereditary right to

operate (Malhotra 1974 : 79-80). It is the individual male who owns the right; other Nandiwalla cannot work a village 'owned' by someone else. Therefore, the individual family is the logical travelling group.

The family here referred to consists generally of a married couple (sometimes polygynous with up to three wives) their pre-pubescent daughters and sons whose wives have not yet come to them. Unmarried children may, however, separate from their parents. The Nandiwalla marry off their children at a young age, but the new couple does not live together until the wife attains puberty. When she does so, she is sent by her parents to the husband, whose parents then provide the couple with a tent. The couple may have to travel for a while with his family, until a division of the father's *vatan* (if he has one; some men have sold theirs) is made. While a father cannot be forced to divide his *vatan* during his lifetime he will often do so; the old couple then remain with the youngest son.

The Nandiwalla are patrilineal, and inheritance is to sons; daughters do not inherit. Theoretically, sons of second or third wives inherit equally with sons of the first wife.³

It would seem, then, that the chances for serious disputes among the Nandiwalla are less when they are travelling than when they are in Wadapuri. The groupings are small and the usual control mechanisms of familial life obtain. Nevertheless, there may be some serious conflicts, either between families on those occasions when two families meet (as, for example, in 'no-mans land,' cf. Malhotra 1974 : n.5), or between family members. It is on such occasions that the Nandiwalla claim, that they settle all disputes at Wadapuri, falls down. Nandiwalla dispute processing actually takes place on several levels. The first is that of mediation and restitution. This happens immediately upon the occurrence of a dispute : it can be done by the panchayat, but obviously only in Wadapuri when the panchayat is meeting. In the field, it must be accomplished by other bodies.

The second level is that of adjudication, which can only be done by the panchayat. It is this last step which is always performed at Wadapuri, and this is what the nomads are referring to in their statements that 'all disputes are handled in Wadapuri.'

MEDIATION AND RESTITUTION AWAY FROM WADAPURI

The first step in the processing of any Nandiwalla dispute is usually persuasion of the parties to at least cease active hostilities. What is involved here is the attainment of some kind of agreement between the parties, if only an agreement to disagree. The mediator⁴ here attempts to find a solution which will restore peace to the community. When the nomads are

at Wadapuri the panchayat often is the intervener (see next section). When they are on the road, however, a series of mediators may be used.

In the first instance, any available person may intervene in a dispute. Thus husbands, wives, siblings or anyone else may try to stop altercation. That such intervention is normal is shown by the following decision of the panchayat.

Case 1 : Four Komti men and their wives went out to gather grass. One of the couples was caught by a Maratha landowner while raiding his field. The landowner charged them Rs. 20. While on the way back to camp, the man who was caught berated his wife, saying that it was her fault that they were caught. One of the other males tried to calm him down; the first man turned on him and said that he would take him before the panchayat for interfering with his relations with his wife. He did bring the case the panchayat, which deliberated solemnly and then 'fined' the intervener 25 n.p. Everyone present laughed.

The intervener in this case had acted in quite the normal manner; the imposition of the 25 n.p. fine (a ridiculously small amount) only intensified the rejection of the complainant's claim by ridiculing it.

Such immediate intervention, when it is successful, ends the matter and the panchayat never hears of it. This is the probable course of most disputes. When such immediate intervention fails, however, further steps need be taken. The first of these is the consultation of the leaders of the *putta* to which disputants belong. Even though the Nandiwalla move constantly they always know the approximate location of their leaders, so it is not hard to send for them. If they are not successful as mediators, however, the head man—"the Patil"—is sent for. He always comes, walking if the distance is small, riding a state transport bus if it is long. His expenses, both travel and maintenance, are borne initially by the complainant in the case, but are ultimately assigned to whoever is considered to be in the wrong. If it is necessary for the Patil to come he will decide the case, and impose a provisional fine, which is paid to him on the spot. At the next stay at Wadapuri the panchayat will consider the case, and theoretically could modify the fine. In practice, however, this does not happen.

Disputants do not normally belong to different *putta* because of rank. In the first place, the ranking necessarily involves some forms of deferential behavior by the lower-ranked individuals. But there may be a further reason as well. According to one highly influential Patil, if a Chaugule is abused by a Komti, the Chaugule is temporarily outcasted until the case is

formally adjudicated at Wadapuri. This action is taken because the Chaugule, as superior, should never have allowed himself to be abused by his inferior. The threat of such outcasting, even though temporary—for the Chaugule will eventually be re-admitted though, if the abuse was justified he will first be fined—would seem to encourage Chaugule and Patil to enforce their ritualistic superiority.

What seems to be operating here is a principle of restitution. The aim of dispute processing away from Wadapuri is to restore normalcy to social life, and this necessitates removing as much of the causes of conflict as is possible. This does not mean that a merely temporary solution is imposed, with ultimate decisions being made at Wadapuri. Quite the contrary; the actual decision is made in the field; it is merely ratified at Wadapuri.

The following case, although it is not complete, should illustrate this point. It is incomplete because the people involved moved on from their campsites before we could learn the decision. Nevertheless, we were able to determine the principles at issue and the form that the decision would take, though we could not actually learn which party was victorious.

Case 2 :⁷ A Chaugule man had four sons, one by his first wife and three by his second. The first wife had long ago left him. When the father divided his *watan*, the son of the first wife claimed that he had not received his proper share. The Chaugule head man attempted to solve the dispute but failed. Thereupon he and the parties went to the Patil encampment⁸ to have the Patil decide.

We were told that the normal pattern of inheritance was equality among sons, although it should formally be more to sons of the first wife. In another case, Case 7, it developed that the formal rule is that the sons of the first wife should receive twice as much as the sons of the second or third wives, but the equal divisions are usually acceptable to the parties. In this case, the first son was trying to obtain enforcement of the formal rule. While we could not find out the final decision, we were told that the Patil's decision would be final; that he would tell the parties which villages they could work, and that they would then have all rights to these villages. The panchayat would only hear about the case if the Patil decided that the father's division had been unjust, and then it may choose to fine him.

From all this it is clear that, contrary to the Nandiwalla's own stated view, disputes are often processed away from Wadapuri, and by interveners other than the panchayat. The principles involved are those of mediation and restitution, and the aim is to restore normalcy to social life. The same goal is maintained in Wadapuri, though after the initial mediation attempt by an individual the panchayat is apt to take over the role of intervener.

DISPUTE PROCESSING IN WADAPURI

THE STRUCTURE OF THE PANCHAYAT

The panchayat is a type of adjudicatory body well known throughout India and reasonably well described. [cf. Cohn (1959 and 1965), Srinivas (1962), Nichols & Mukhopadhyay (1962), Saraswati (1962), Biswas (1962), and Goswami (1963 a and b) for examples of panchayat-like institutions.] However, very little work has been done on the panchayats of nomadic groups.⁹ While the concept of panchayat has been changing since India's independence [see, for example, *The Karnataka Village Panchayat and Local Boards Act, 1959* (Karnataka Act no 10 of 1959)] in that *nyaya* (justice) panchayats have powers far different from the old-style bodies (Galanter 1972 : 58-60), and older panchayats are losing their powers (Dube 1958 : 27), the Nandiwalla panchayat is very much on the 'classical' model. That is, it is a loosely structured group, the specific personnel of which may vary from meeting to meeting; procedure is informal, it does not necessarily limit its consideration to the specific dispute before it but may consider other relevant interactions of the parties; it has wide jurisdiction over the members of the relevant corporate group; decisions must be unanimous and are talked out until that state is obtained (cf. Cohn 1959 ; 1965 and references therein for other material on panchayat structures).

Normally the panchayat meets every day of the triennial stay at Wadapuri except for *yatra* days and market day in the nearby town of Indapur. The site is always the same : in the middle of the encampment, just to the north of their *guru's*¹⁰ tent. The group sits in a circle with the Patil to the west and Komti to the north.¹¹ During the 1975 meetings proceedings would start with a discrete space between the Patil and Komti and with no one sitting to the east or south. As the discussion progressed, however, this space would disappear; people would crowd together and eventually the open sides would fill.

The composition of the panchayat is constantly shifting, although several *de facto* leaders of the two *putta* present were almost always there. Otherwise, men might come and go at will, though normally the numbers grew larger as the meeting went on. Women were allowed to observe, but not to participate, though several old women, parties to cases, did interject their (usually vehement) thoughts on those cases. While the Daundiwalla would (ordinarily) act as criers, notifying people that the panchayat would meet at a certain time, in their absence it seemed to develop informally; a small group would start to talk a few feet away from the normal meeting place. When enough people had joined this group it shifted to the usual place.

In 1969 and 1972 the main leadership role—called here 'the headman' and always a Patil ('the patil')—was filled by the leader of the absent faction of Patil. The *de-jure* leader of the group at Wadapuri was an old man; though he often came, the leadership role was usually exercised by a third Patil. This man had always been noted as an able advocate, willing, like a modern lawyer, to argue any position for a price. Instead of arguing, however, he served as a mediator (see *infra*). He may in fact be the ultimate beneficiary of the current factional strife, since he is acting in the place of the other two Patil leaders.

Two individuals were leading advocates on the Komti side, though several others also participated frequently. Their roles will be discussed in the next section. The leadership roles are earned, not inherited, and are dependent on the abilities of the individual as an effective speaker and clever advocate. While boys do not participate in the discussions, a young man may quickly become a leader if he is an effective advocate.

PROCEDURE OF THE PANCHAYAT

Basically, the Nandiwalla panchayat in 1975^{1a} functioned as a kind of moot. That is, matters were discussed at length, in great part as a device for ensuring continued normal society by providing a controlled outlet for the tensions created by dispute situations (cf. Gibbs 1963). However, two points qualify this assertion that the Nandiwalla panchayat is a form of moot: (1) it does not simply mediate disputes, but adjudicates as well, in that it decides who in a given dispute is at fault and assesses fines against that party, and (2) the therapeutic effects of such discussion are only available to lower ranking groups. The Patil act as the controlling agents in panchayat meeting; consequently, internal Patil cases are usually not brought to the panchayat. Rather the panchayat controls the venting of hostilities in cases involving the other *putta*. While the tensions in the other groups may thus be alleviated, the Patil themselves gain no such relief.

A case is brought to the panchayat by either party. The Patil and Komti claim that the only cases considered are those brought by the parties, while the Chaugule claim that the panchayat will step in on its own motion. This conflict will be considered in the next section. In any event, once a case has been brought to the attention of the headman he will start its consideration by simply stating 'we will now discuss the matter of X'. At this moment the panchayat is sitting in a neat semi-circle with the members talking quietly among themselves. However, this peaceful state does not last for long.

The actual discussion is initiated by one of the Komti, usually one of the several whose constant participation and control in the panchayat indicates that they are, in fact, leaders. He will put forth the facts of the case, to assenting murmurs from the others present, and then present his ideas of what should be done. He is then answered by another Komti, who will present another view of the issues involved and of what should be done. Until this point the discussion has been fairly orderly, but now the decorum starts to break down. The two primary advocates start to argue more and more vehemently, and others present may also interject. Soon one or both of the main proponents, and several others, will be on their feet, gesticulating and even threatening the opposition. Side arguments on minor points may develop. The orderly semi-circle breaks down as shoving men draw closer to each other. It might seem that a fight is about to break out, and often one man will shove another while he yells arguments at him.

But while things may seem to be getting out of hand, it is not quite uncontrolled. In the first place, the vehemence is a style of argument always used in the panchayat; people are not as angry as they seem. This is shown by two common situations: first, this style is used on occasions when the discussion is not necessary and purely a matter of going through the motions, and second, after an hour's heated argument when it looks like blood will be spilled, the case will be either resolved or postponed for further consideration, and the participants, who were at each other's throats two minutes before, calmly seat themselves in a neat semi-circle and proceed to the next case.

An excellent example of the first type of situation is found in the following case.

Case 3: A large number of pigs were needed for a sacrifice. While each family was responsible for getting its own pig, it had been decided that the group should send men to a single source so that a better deal could be arranged. The panchayat met to consider where the men should go. While the answer was almost a forgone conclusion—there were only a few places which could supply the requisite number of pigs—the argument was extremely vehement. In the end, the men went to the place where they all knew they were going anyway.

Examples of the second situation could be found on any day when more than one case was handled, and there were many such days.

But whatever therapeutic values are inherent in panchayat proceedings accrue to the lower-ranked group and not the Patil. While a Patil may

occasionally interject a brief point, virtually all of the argument is carried on by the Komti. This is so even when it would seem that the Patil should be more active in argument.

Case 4 : The Komti arranged twenty marriages over a two day period. While it is required that a Patil be present when such arrangements are made, in half of the instances no Patil was invited. The Patil called the families so negligent before the panchayat, which fined each Rs. 15. But even in this case in which Komti violated patil rights, the entire argument was undertaken by Komti.

The Patil do not argue. Rather, they control the arguments of the others. When matters seem to be getting out of hand, the headman will put a stop to the discussion. Then he will lay out his ideas as to what should be done. If these meet with general approval there will be murmurs of assent, and all present will gather closely around him to bring out the final decision. If his ideas are not popular then the discussion will start again. But it starts again at a much less frenzied level; the headman has broken its momentum.

Note that the arguments mentioned above generally consider what should be done in a given fact situation. The facts themselves are rarely in dispute. This is because the community at Wadapuri is so condensed; relations are multiplex, and everyone has a pretty good idea of what anyone else is up to. If there are questions of fact, witnesses may be examined. The truth of their statements is ensured by the administration of the following oath :

'Taking some rice, millet, turmeric powder and *neem* leaves in the hand (of the witness), we say : On your honor, tell us. If not—
May you have no sons; May your cattle die, May you always have trouble and sorrow.'¹⁸

Since the Nandiwalla believe firmly in the efficacy of such supernatural sanctions, truth is fairly assured by this means.

However, it is not always necessary to resort to the oath. Often the community's sense of what is either normal practice, or of the probable activity of a party, is brought to bear.

Case 5 : In 1972, at Wadapuri, one Komti male borrowed Rs. 100 from another at 20% per year for an unspecified term. In 1975 the borrower returned the principal and accrued interest, but the original creditor claimed that he should have interest for five years, not three. The panchayat found no justification for this,

as there is no standard minimum term, and it was put forth that the creditor was simply trying to dishonestly squeeze the borrower. The claim was disallowed.

At other times, a sense of reasonableness seems to pervade.

Case 6 : In 1972, a marriage exchange was arranged between two Komti families of different clans. One daughter went immediately to her husband, but the second was kept at home until she reached puberty. In 1975 the father whose family was supposed to receive the girl claimed her for himself. Her father refused to send her, since the claimant was in his 40's and the girl was not yet even mature. The claimant went to the panchayat, claiming breach of contract. But the panchayat upheld the withholding father. It decided that while the girl would have to go to someone in that clan, that it was obviously not right that she should go to the complainant because of the great disparity in age. It also viewed it as unlikely that any such match would have been arranged in the first place.

In both of these cases the point is not to determine what the agreements actually were, but what they should have been. This is not to say that there are not set rules for different situations. Indeed, sometimes the major effort must be toward avoiding the application of those rules.

Case 7 : A Komti man had recently died, and his sons had gathered to try to divide his *vatan*. He had sons by two wives. The normal rule in such cases was that the son of the first wife would receive twice as much as the son of the second wife. If the panchayat took up the case it would automatically divide the property in that manner. However, just before he died the father expressed the wish that the *vatan* should be evenly divided. The sons therefore gathered, along with other Komti and the Patil to try to work out a suitable division, which was finally arranged. The panchayat was thus avoided completely.

The jurisdiction of the panchayat is wide; it can be called into almost any kind of case. The leaders of both Komti and Patil claim that there is a set fine for any offense, and that consequently the major job of the panchayat is to determine exactly what happened on a given instance so that the proper fine can be assessed. Sometimes this is the case, as in the following case.

Case 8 : A Komti wanted to separate from his wife; he used abusive language to her, insulted her family and told her to leave. She went to the panchayat. As marriage is indissoluble, the man

was fined Rs. 250 for insulting her family and made to take his wife back.

Here, the high fine is standard for the offense, which is an obvious one. However, sometimes the offense is not obvious, and politics and policy decide the fine.

Case 9 : A Komti beat his pregnant wife, who had abused him. Her father then beat him. The panchayat took up the matter. Its first decision was that while the wife's father (WiFa—notations will be in standard anthropological form) was clearly in error in interfering, the Hu had also stepped out of bounds by beating his pregnant wife. The suggestion was then made that each party should be fined Rs. 16. But this was called down by many people, who wanted a larger fine levied against the Hu. The Panchayat broke up without deciding the issue.

At the next meeting of the panchayat, three days later, the point was raised that the Hu had insulted both his wife's 'family' (gloss : clan) as well as the panchayat itself, actions which call for a fine of Rs. 300. However, it was decided that the statements involved had not been made to insult anyone, intentionally and that the Hu should not be so fined. Finally agreement was reached; the Hu was fined Rs. 20, the WiFa Rs. 16. Fault was assigned to both parties, with the preponderance on the Hu.

Obviously, both political and policy considerations came into the decision. The political factors entered when it became obvious, via the rejection of the original deal, that a sizeable number of people wanted to punish the Hu. Policy entered in that, while the pressure was acceded to, the ultimate decision was relatively mild in character, particularly in light of the fine on WiFa. Men should not beat pregnant wives, but in-laws should not interfere directly; the one fault is almost equal to the other.

Personal qualities of the parties can also be important. Thus, in the next case the decision seems to have been based on the personality of the plaintiff.

Case 10 : A widow brought a case against her late husband's brother, claiming that he had thrown her out of the family; that he had a duty to support her and that he must take her back. The woman was now living with her daughter. The panchayat would not send her back to the husband's family, stating that her removal to her daughter's had ended the obligation of the husband's family. No acknowledgement of her claim that she was forced out was made.

The grounds for this decision were not expressly given by the panchayat, but several members did speak to us afterwards. The plaintiff had two things going against her; first, she was a three-time widow; that is, she had had three husbands, two of them taken while she was a widow. While widow remarriage is not forbidden it is discouraged, and so something of a policy decision was made. The plaintiff's conduct in marrying not only once but twice as a widow could be made a bad example by not supporting her claim for support from a subsequent husband's family.

The second ground, however, may have been even more important. The plaintiff here was known to be a hard person to get along. She claimed to have been forced out by her in-laws; if that was true, the general consensus was that she probably deserved it. The panchayat did not want to reconstitute a family which would obviously have continued fighting.

Thus, the panchayat can be seen to be a body of somewhat shifting composition, which attempts to reach a kind of equitable decision on a case-to-case basis. Formal rules are few and not strictly applied. There is no concept of precedent, though sometimes similar misdeeds by the same parties—particularly the opposite party—and their resolution are brought up as bargaining points. But in most cases the decisions appear to be *ad hoc*.

DISCUSSION AND CONCLUSION

From the foregoing, it is obvious that the panchayat is not what the Nandiwalla say it is: it is not the body which handles any and all disputes that arise. Its functions are more complex. As an intervener the panchayat may be either mediator or adjudicator; it is sometimes both. It is also an important political arena.

The panchayat can only function as a mediational tool when the disputing parties are actually at Wadapuri and can come before it. Otherwise, other interveners must mediate disputes. When that is the case, the dispute is actually resolved by the other intervener. The panchayat still serves a function, however, in that it formally ratifies the decision thus made. This ratification represents the approval of the entire community of Nandiwalla. Once it is given, it is difficult for a party who wishes to dispute the original decision to gain support. In case 6, above, for example, the losing party tried to mobilize public opinion in his favour by attacking the victor. He was, however, ignored. But this only makes sense, as decisions are supposed to be reached by consensus, and there should not be any dissidents around whom resistance can form.

The political role of the panchayat is also important. It is, quite simply, a major mechanism by which the Patil retain their supremacy. This is shown most clearly by their approaches to cases among the other *putta*. Komti disputes will be dealt with if they are brought to the panchayat. Chaugule disputes will be considered by the panchayat *sua sponte*, even if they have already been successfully mediated. And Patil disputes almost never are taken to the panchayat. The reasoning behind such different handling is fairly clear. The Patil absolutely control the Komti, who in fact recognize the complete inferiority of their position. Such inferiority is not seen by the Chaugule. While these people must, of necessity, recognize the rival supremacy of Patil, the Chaugule numerical superiority over the Patil makes for continual political uneasiness. The consideration of already-solved Chaugule cases, by the Patil-dominated panchayat, tends to reinforce the superior position of the Patil.

This last point is explicitly recognized by the Patil themselves. While they will, when questioned as to the dearth of intra-Patil cases in the panchayat, at first say that it is simply that the Komti are more unruly and that Patil solve their own problems quite peacefully, they will eventually admit that they cannot permit the inferior groups to judge them. To do so would be to undermine their superiority. At the same time, their own judgement of the other groups continually emphasizes their own superiority.

It is apparent, then, that the Nandiwalla panchayat has several functions. It may act as a mediatory body. It often acts as an adjudicatory tribunal. But it always functions as a reinforcement of Patil superiority. This is not surprising, though it is, on the surface at least, denied by the Nandiwalla. At the same time this concentration on Patil superiority necessitates the separation of Patil dispute from panchayat consideration. Since the therapeutic and mediational devices offered therein are not available to the Patil, Patil disputes are potentially more disruptive than others. This last observation would seem to be borne out by both the current Patil factionalism and the fact that another group of Patil was forced to split from the group several years ago. Apparently, a dispute could not be amicably resolved.

The Nandiwalla data illustrates what may be an inherent problem in dispute processing in a stratified society: the people who control the dispute process may not themselves have a mechanism for easing conflict. It would be best to do further work on this group, and others with similar institutions, to discover what devices are used by the ruling segments, since the stability of the society may depend on the efficacy of the dispute processing machinery, at both the higher and lower levels.

As a postscript, we must again emphasize the fact that since not all of the Nandiwalla came to Wadapuri, our conclusions must be somewhat tentative. This is particularly true in the area of Patil dominance over Chaugule. We hope to further observe the Nandiwalla panchayat when all *putta* are present to observe the dominance patterns displayed.

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NOTES

1. To be published by the Anthropological Survey of India.
2. We follow modern usage in referring to dispute *processing* rather than dispute (or conflict) *resolution*, as many disputes are not in any sense settled but are merely advanced to another stage. Even the apparent resolution of a particular disagreement may not resolve the tensions between the participants if they must maintain interpersonal relations, and the ostensibly resolved conflict may resurface during future arguments (See Abel 1974 : 225-232 ; Felstiner 1974 : 63 n.l. for further discussion of these points). *Dispute* will hereafter be used to refer to a publicly asserted conflict simply indicating "inconsistent claims to a resource" (Abel 1974 : 227).
3. For an informative view of money-lending by ostensibly poor people in Maharashtra see Birch 1971.
4. This *vatan* area is the exclusive territory of this particular Nandiwalla caste-cluster, which is more properly known Nandiwalla Tirumal. There are other Nandiwalla caste-clusters in Maharashtra, but no such caste cluster can work the *vatan* of any other. There has been one known case of conflict between two such groups; the matter was settled by the Panchayats of both groups, who divided the disputed

properly Interestingly, the two panchayats had the agreement put on paper and notarized by a *tahsildar* as a means of giving it force. Each panchayat then retained a copy.

The Nandiwalla Tirumal work in other, non-*vatan* villages as well (see Malhotra 1974 : 80-83 ; part Fig. 3), but this other area is 'no-man's land' ; rights to it do not rest with individuals or even with caste clusters. It was apparently resorted to as a result of population/economic pressures in the original, limited *vatan*.

5. But see cases 7 and 2 below.
6. *Mediation* is used here to indicate the process by which a third person—an intervener (Abel 1974 : 244 ff.)—induces disputants to subdue their conflict so that normal life may be resumed ; to use Nader's (1969) term, "making the balance." Peace is restored by the (often tacit) agreement of the two parties to cease active hostilities. The mediator does not judge the merits of the case, who is right and wrong (see Eckhoff (1966). He also does not necessarily aim at a resumption of peaceable relations between the disputants : their mutual avoidance, if such is possible, may be desirable (see Fuller 1971 : 308).
7. This case concerns Chaugule and the faction of Patil who were not at Wadapuri. It is the headman of this, latter faction who is referred to here as 'the headman.'
8. Which happened to be nearby : otherwise the Patil would have come to the Chaugule.
9. Again, mention must be made of Misra's work (1966). Saraswati (1962) deals with the panchayat of a pastoralist caste, but they were already settled at the time of the study.
10. The Nandiwalla's *guru* is a Brahmin from Hyderabad whose family has held the position for generations. He should always attend the Wadapuri gathering ; however, while he came in 1969 he has not come since. Nevertheless, the place for his tent is left vacant, and the panchayat meets near it.
11. Presumably the other *putta* have assigned spaces. Since they did not attend, this could not be observed.
12. Since important people from Chaugule *putta* were absent, much of this discussion can be only tentative as to normal panchayat functioning.
13. Free translation from the Telugu by Miss Kanchana Thambi Dorai.

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Scenes from Nandiwala Panchayat



